



Deposition of:  
**Talbot County Council Meeting**

*July 21, 2020*

In the Matter of:  
**Talbot County Council Meeting**

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COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND

Council Meeting

July 21, 2020; 6:00 p.m.

Council Chambers, Easton, Maryland

COUNCIL MEMBERS:

Corey W. Pack

Chuck F. Callahan

Frank Divilio

Pete Leshner

Laura E. Price

Reported by

Diane Houlihan

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<p>1 TRANSCRIPT OF PROCEEDINGS</p> <p>2</p> <p>3 MR. PACK: Please stand with us for the</p> <p>4 opening prayer followed by the Pledge of</p> <p>5 Allegiance.</p> <p>6 (Prayer and Pledge of Allegiance.)</p> <p>7 MR. PACK: Thank you. I want to thank</p> <p>8 everyone for being in attendance with us this</p> <p>9 evening.</p> <p>10 Council does have an agenda. The chair</p> <p>11 would ask are there any additions, deletions,</p> <p>12 or corrections to the agenda? Hearing none,</p> <p>13 the chair would move that the agenda be</p> <p>14 accepted with unanimous consent.</p> <p>15 We also have minutes from our May the 26th</p> <p>16 meeting. We had a chance to review those</p> <p>17 minutes. Are there any additions, deletions,</p> <p>18 or corrections to those minutes? Hearing none,</p> <p>19 the chair would move that those May 26th</p> <p>20 minutes also be accepted with unanimous</p> <p>21 consent.</p>	<p>1 of Health.</p> <p>2 Dr. Wadley, good to see you. The floor is</p> <p>3 yours, ma'am.</p> <p>4 DR. WADLEY: So as you know, on July 13th,</p> <p>5 I sent the Board of Health a letter relating</p> <p>6 the status of Talbot County for this pandemic,</p> <p>7 as well as recommendations for what might be</p> <p>8 done to slow the spread of COVID-19.</p> <p>9 Tonight I'm here to provide an update on</p> <p>10 the status of our county and the pandemic, as</p> <p>11 well as give an update on what's happened over</p> <p>12 the past ten days.</p> <p>13 My purpose for being here tonight before</p> <p>14 the Board of Health, which is also the County</p> <p>15 Council, is to perform my responsibility as the</p> <p>16 health officer of this county. That</p> <p>17 responsibility is to notify the Board of</p> <p>18 Health, county leaders, and the community when,</p> <p>19 in my opinion, there is a health threat and to</p> <p>20 make recommendations of what might be done to</p> <p>21 deal with that threat.</p>
Page 3	Page 5
<p>1 You also have in your agenda disbursements</p> <p>2 from July the 21st. Had a chance to review</p> <p>3 those and go over those with our finance</p> <p>4 officer. Are there any additions, deletions,</p> <p>5 or corrections to those July 21st</p> <p>6 disbursements? Hearing none, the chair would</p> <p>7 move that they also be accepted with unanimous</p> <p>8 consent.</p> <p>9 Next on your agenda, Council, you'll have</p> <p>10 an update on the COVID-19. We have with us</p> <p>11 Dr. Fredia Wadley, our health officer, as well</p> <p>12 as Clay Stamp, our emergency services director.</p> <p>13 This should come as no surprise that we</p> <p>14 are still in the midst of the COVID epidemic.</p> <p>15 For persons watching at home and listening here</p> <p>16 in the Bradley Room, the Talbot County Council</p> <p>17 also sits as the county Board of Health. So</p> <p>18 for this presentation, this body will be</p> <p>19 sitting as the Board of Health hearing from our</p> <p>20 health officer. Although we won't be taking</p> <p>21 off any hats, we are now sitting as the Board</p>	<p>1 As the Board of Health and the County</p> <p>2 Council, you can, of course, accept or deny my</p> <p>3 recommendations. But in this process, we are</p> <p>4 both on the record as to what we perceive the</p> <p>5 best way to handle this pandemic, and that's as</p> <p>6 it should be.</p> <p>7 First, I believe it's beneficial if we</p> <p>8 recognize upfront that there's great</p> <p>9 disagreement on the COVID-19 pandemic, the</p> <p>10 threat, and how to handle it.</p> <p>11 First of all, this is the first pandemic</p> <p>12 for any of us. It's not my first rodeo or</p> <p>13 first epidemic, but it's my first pandemic, and</p> <p>14 we're learning as we go.</p> <p>15 Now, in that learning, there's</p> <p>16 disagreement about the level of threat for the</p> <p>17 health of the population. Part of that is due</p> <p>18 to, yes, we understand that a younger,</p> <p>19 healthier group of people will not have</p> <p>20 COVID-19 as significantly or die as often as</p> <p>21 seniors do. So that does present some</p>

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1 disagreement also about how to handle it.  
 2 Secondly, there's disagreement on the  
 3 strategies to deal with the spread of the  
 4 virus. It is rare in this country when we have  
 5 no medication that we know can cure an  
 6 individual or we have no vaccine which we know  
 7 can prevent the disease.  
 8 And so we have three things. And they are  
 9 social distancing, wearing a mask, and good  
 10 hand hygiene. And I think it's very difficult  
 11 for people in this country with the technology  
 12 we have to accept that that's the only thing we  
 13 have going for us. But that is the only thing  
 14 we have going for us right now at this point  
 15 with the pandemic.  
 16 And as we learn new information and CDC or  
 17 others make different recommendations, for some  
 18 that says you weren't totally right the first  
 19 time, so why should I believe you the second  
 20 time. Others will say that you used the data  
 21 and what you've learned to make a better

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1 decision. But all of that has caused a lot of  
 2 disagreement and a lot of controversy with this  
 3 pandemic.  
 4 COVID-19 has become a political issue to  
 5 many, not a health issue and not an infectious  
 6 disease issue. COVID-19 has become an economic  
 7 issue as well, as it should be, because it has  
 8 already done a great deal, impacted the economy  
 9 a great deal, and the show is not over yet.  
 10 COVID-19 has become a racial issue. And  
 11 since the death of George Floyd, we recognize  
 12 there's not a lot of trust in communities of  
 13 color for anything that's government. And that  
 14 includes contact tracing and trying to find the  
 15 contacts so we can slow the spread of COVID-19.  
 16 Now, I understand the distress, okay. But  
 17 that doesn't make our jobs any easier. I  
 18 understand the frustration, but I can tell you  
 19 that our community health nurses have taken  
 20 great verbal abuse from every race. It's not  
 21 one. And yet the distress bothers them far

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1 more than the verbal abuse that they've  
 2 received.  
 3 Contact tracing is only as good as the  
 4 information the infected are willing to give  
 5 you so that you can notify their contacts and  
 6 maybe help them prevent spread of the disease.  
 7 So COVID-19 is a very emotional issue.  
 8 Now, I learned a long time ago when it comes to  
 9 emotion, it trumps facts any day of the week.  
 10 So we might as well recognize that there's  
 11 emotion there and if you don't deal with that,  
 12 that's not going to do you any good.  
 13 So with that preface about why there's so  
 14 much disagreement with this pandemic, I want to  
 15 briefly talk about just three metrics. Didn't  
 16 bring my graphs and charts. Want to keep it  
 17 simple.  
 18 The simple thing is the number of cases in  
 19 this country are increasing. They passed  
 20 75,000 a day over the weekend. Now, right  
 21 before we started into July 4th, we thought it

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1 was awful because it was 40,000 a day in this  
 2 country. So now we've hit 75,000 and gone  
 3 above.  
 4 In Maryland, we were very lucky. We were  
 5 locked down, we were stay at home. We stayed  
 6 at home and didn't reopen later than a lot of  
 7 other states. And so we've enjoyed the lower  
 8 numbers. But let's be very clear, the numbers  
 9 are increasing.  
 10 For as we were low 400, Sunday we were  
 11 925, yesterday we were 554, and today we're  
 12 860. You can be up and down. But when you do  
 13 a seven-day average, the number of cases in  
 14 Maryland is going up.  
 15 The number of cases in Talbot have gone  
 16 up. In fact, if you look over the past little  
 17 over three weeks, three and a half, we've gone  
 18 from 111 cases to today 262. Now, I'm going to  
 19 tell you today was the best day or yesterday or  
 20 this morning, because we've been averaging the  
 21 past few days ten a day, which is more than we

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1 ever had in April and May. Today, or over the  
 2 past 24 hours, it was 262, and that was only  
 3 four. Let's hope it stays there because we  
 4 have been, as I said, on an average of ten a  
 5 day.  
 6 The number of deaths have also remained  
 7 very good for Maryland up until recently. So  
 8 if you look at the deaths, yesterday we had 20.  
 9 And so that's more. We've been going even  
 10 single digits. But you can plot the course,  
 11 the trend, and the death rate is going up for  
 12 Maryland.  
 13 The death rate is not going up for Talbot  
 14 County. We had five very early in the course.  
 15 We still have five. Our death rate has not  
 16 increased.  
 17 A lot of people take the death rate very  
 18 seriously and think if you're not having any  
 19 deaths, that you don't have to really worry  
 20 because everybody is surviving. You still have  
 21 to worry because you've got to know that you've

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1 got enough PPE and enough hospital beds. You  
 2 also have to know that you have got the staff  
 3 and all to take care of that.  
 4 So one thing we're also learning is that  
 5 people may survive, but they're often left with  
 6 organ damage. And it will be years before we  
 7 know if that's permanent or not.  
 8 Another thing about the deaths, too, is  
 9 that if there's anything fortunate about this  
 10 virus, and there's very little fortunate, it is  
 11 that there is a better chance for younger and  
 12 healthier people to survive it. And so for the  
 13 first big wave in April and May, we saw a  
 14 disproportionate number of people 65 and older  
 15 dying. We saw that because there was a lot of  
 16 outbreaks in nursing homes also.  
 17 So there's been a lot done. It's not that  
 18 there's still not a threat in nursing homes or  
 19 that there's still not outbreaks in nursing  
 20 homes. But at least the number has gone down,  
 21 especially once they identify a case. And

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1 staff in nursing homes are being tested every  
 2 week to make sure they pick up a case early.  
 3 And what we've seen over the last few  
 4 weeks, Maryland, across the country, and in  
 5 Talbot County, is far more in the 20 to 40 age  
 6 group. It's a group that when we reopened,  
 7 they're back out working, often socializing  
 8 too. But they're often on the front with  
 9 construction, with restaurants, with lawn care,  
 10 that type of thing.  
 11 So we've seen I think fewer  
 12 hospitalizations than we would normally have  
 13 seen if this had been an older crowd. That  
 14 happens to be good.  
 15 But it brings me to my third metric, which  
 16 everyone has been watching almost since the  
 17 beginning, definitely since when we found out  
 18 we did not have great testing capability, the  
 19 governor zeroed in on hospitalizations. Now,  
 20 that it's a delayed measure.  
 21 First you'll have cases rising. Three or

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1 four weeks later it may take before you get  
 2 hospitalizations rising. And then death rates  
 3 can even be a month or two after that. Many  
 4 people stay in the hospital two to three months  
 5 and even then die or discharged.  
 6 So we expect deaths to be behind  
 7 hospitalizations and hospitalizations to be  
 8 behind an increase in cases.  
 9 Today, though, we had 484  
 10 hospitalizations. That's increasing. If you  
 11 plot it out, as I said, you can go up and down  
 12 on any of these figures, but what we try to do  
 13 before we say it's increasing is we plot a  
 14 trend out over about seven days to see what is  
 15 happening. So the bottom line is that with  
 16 these three metrics, they're all showing that  
 17 Maryland, all three is increasing.  
 18 For Talbot County, we've increased both in  
 19 cases, we have an increase in hospitalizations.  
 20 We were down to low single digits. Got up to  
 21 low double digits and then back down now to

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1 high single digits. We still have surge  
 2 capacity. There's no doubt about that. Okay.  
 3 We feel very good about the steps that have  
 4 been taken, and we hope we don't even need all  
 5 of that surge capacity.  
 6 But what we're looking at is here are the  
 7 numbers, is it time to take action and do  
 8 anything else before the numbers rise or do you  
 9 want to wait and also see if the numbers could  
 10 go down. They could. That's understood.  
 11 The governor sent a letter out to local  
 12 officials, I'm sure you've seen it, last week.  
 13 His concern at that time was lack of taking the  
 14 precautions that he suggested in his executive  
 15 order, and his concern was really around bars  
 16 and restaurants. And many people felt like  
 17 that that was a shot across the bow. About if  
 18 something is not done locally, than I could end  
 19 up like some other areas and close the bars and  
 20 restaurants. I don't think that was intent.  
 21 Now, my opinion is just my opinion. I

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1 just think he was trying to get the locals to  
 2 step up and do something in their own  
 3 community.  
 4 Remember, the feds at the White House  
 5 decided that the issue should be decided by  
 6 governors. Governors took it up. Some were  
 7 successful than others. Governors took a lot  
 8 of heat, and especially the ones that tried to  
 9 keep things closed down as long as they did  
 10 here in Maryland.  
 11 If you'll notice now, although some  
 12 governors have gone back to close certain  
 13 things, there's been a lot more interest in  
 14 cities and counties, local jurisdictions.  
 15 Because in the beginning, we actually said  
 16 you're closing down all the state and Talbot  
 17 County hadn't had a case yet. So it's only  
 18 natural that the governor would now say you've  
 19 got the right, you do what you think is right.  
 20 Now, you can argue if you should take a  
 21 centralized approach to this pandemic or local

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1 one. There's pros and cons to either one. But  
 2 the truth is it should be all three. It should  
 3 be federal, it should be State, and it should  
 4 be local that's dealing with the pandemic.  
 5 If you listened to all of the last press  
 6 conference of the governor, if you listened to  
 7 the question and answer and didn't leave early  
 8 like I did and have to go back and get it from  
 9 YouTube, you would have heard the governor say  
 10 something that basically I felt like it threw  
 11 the locals under the bus, just to be honest  
 12 with you. And he looked straight at the  
 13 question that was asked and said no one is  
 14 enforcing the executive order.  
 15 We don't have enough State Police. And  
 16 people at the local levels say I don't have the  
 17 staff to do that, I don't have the time to do  
 18 that, or that's not my job. And so what he  
 19 said very clearly is get into a room and work  
 20 it out. So I took that sort of as a what he  
 21 was saying is you hadn't done your job. Not

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1 going to argue with him on that, but it  
 2 wouldn't get us anywhere.  
 3 But we took that seriously. And Clay  
 4 Stamp has convened several groups over the past  
 5 week. We've talked with the municipalities,  
 6 what would you like to see. We've talked with  
 7 the departments. We've also said, as it's been  
 8 pointed out to us, what do we have that we can  
 9 do right now that doesn't take any more action.  
 10 So there's three things. One of them you  
 11 have to note is after that press conference,  
 12 health officers all got a letter. And it said  
 13 read carefully because if you read COMAR on the  
 14 food establishments, you can go in and when  
 15 you've got this checklist that we've sent you  
 16 about COVID and what should be done in  
 17 restaurants and bars, if you go in and those  
 18 are not being followed, you as the health  
 19 officer with a delegated authority by the  
 20 secretary of the state, you can suspend that  
 21 food license.

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1 Now, they can appeal, but they will be  
 2 closed. They will have no permit or license  
 3 during that suspension. That's something we've  
 4 been clearly told we're expected to do.  
 5 We've worked with groups. We've talked to  
 6 groups. We've had several meetings. Yes, we  
 7 can do that with the Health Department. And we  
 8 will start using our restaurant inspectors,  
 9 especially when there is a complaint.  
 10 The second thing that was suggested is you  
 11 have a Liquor Board and you have liquor  
 12 inspections. And when you have bars that are  
 13 serving and they're not seated, which is  
 14 against the executive order, when you have them  
 15 elbow to elbow around a bar without masks, when  
 16 they're supposed to be socially distanced and  
 17 masked if not drinking, then that's a  
 18 violation. And they get the groups that can  
 19 report will make a complaint to the Liquor  
 20 Board.  
 21 Now, we don't know if that will do any

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1 good or they'll take action. Once again, it's  
 2 the first time for them on a pandemic, but  
 3 that's the second thing that was suggested.  
 4 Now, the third thing is, and it's only for  
 5 public events that require a permit, a  
 6 temporary permit, on those, they have to be  
 7 reviewed and approved by the health officer.  
 8 So they said use that. That's one way for very  
 9 large gatherings that you can say that's not  
 10 safe for this county.  
 11 Now, that's three things that's been  
 12 pointed out that you should be doing, even  
 13 though nobody has to take any action for it.  
 14 So we can try that. We're willing to try that.  
 15 We've got people in this interagency group  
 16 that's willing to try all three of those.  
 17 But I have to tell you, I don't think  
 18 that's enough. My opinion, but I don't think  
 19 that's still enough to control the spread of  
 20 this infection.  
 21 I said before we only have three things;

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1 social distancing, wearing masks, and hand  
 2 hygiene. Now, I understand the sympathies  
 3 behind this. Some are violently opposed to  
 4 wearing a mask. They feel it infringes upon  
 5 their personal and individual rights. I can  
 6 also tell you about the calls I get from people  
 7 that wear a mask and they're feeling that those  
 8 who refuse to wear a mask are infringing upon  
 9 their rights as well as their personal health  
 10 and safety. So you can debate that all you  
 11 want to.  
 12 Just don't debate one thing. They work.  
 13 It's proven. Are they 100 percent effective?  
 14 Nothing is 100 percent effective. But we do  
 15 know that masks can contain those large drops,  
 16 and we do know that it can decrease the spread.  
 17 Secondly, we know that regardless of your  
 18 beliefs, whether they're political, personal,  
 19 or scientific, or whether you believe  
 20 government should do anything or nothing about  
 21 a mandate relative to limiting the size of

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1 gathering or requiring masks, especially of  
 2 people who are in public places and in  
 3 businesses, but first, I feel like the first  
 4 task is to decide do you as a Board of Health  
 5 want to do anything relative to these two  
 6 things, limiting gatherings or wearing a mask.  
 7 I was told to come in here tonight or  
 8 advised with all the specifics and details.  
 9 That's totally irrelevant until you decide if  
 10 there is political will to do something about  
 11 one of these two things. If there is, I'll be  
 12 glad to work with anybody, glad to work with  
 13 the interagency group and talk about what you  
 14 can do.  
 15 Anybody that's going to say it's difficult  
 16 to enforce, it is. Everybody knows that, okay.  
 17 And who is going to enforce it, law enforcement  
 18 or somebody else. And that's one reason for  
 19 bringing up civil penalties, because you don't  
 20 have to go with law enforcement issuing for the  
 21 executive order a criminal citation.

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1 So I didn't come tonight with a lot of  
 2 statistics or how I think you should do this.  
 3 I just wanted to tell you what I thought, tell  
 4 you what I thought could help, ask you if you  
 5 wanted to do anything relative to these two  
 6 things. And if you do, fine. And if you  
 7 don't, you don't.  
 8 Any questions?  
 9 MR. PACK: Yes. First of all, thank you  
 10 very much, Dr. Wadley, for your report to us.  
 11 You outlined a number of things.  
 12 I know you just pointed out those three  
 13 things, but we do have your letter as well as  
 14 an e-mail you forwarded to us as well which  
 15 also touches on a few of the things.  
 16 Let me start from the bottom and work my  
 17 way up and then I'll turn it over to Director  
 18 Stamp.  
 19 Regarding outdoor gatherings, I know you  
 20 said in your e-mail dated July the 20th you're  
 21 looking at restricting gatherings between 20 to

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1 50 people. And that will be those temporary  
 2 use certificates that would be issued with the  
 3 planning officer depending on what those events  
 4 are and how they would go about keeping the  
 5 proper safety distance and so forth.  
 6 One thing that we had talked about before  
 7 was transmission rates and how fast this virus  
 8 does transmit from person to person and using  
 9 that as somewhat of a gauge, if you would, to  
 10 kind of get a rationale behind the numbers.  
 11 Because as soon as we put -- if we decide to go  
 12 with a number tonight, there's going to be  
 13 e-mails flying around saying you guys just  
 14 pulled a number out of thin air, where did you  
 15 get this number from.  
 16 So do you want to speak a little bit  
 17 about, I know you didn't bring anything with  
 18 you, a little bit about transmission rates?  
 19 DR. WADLEY: I've not only looked at what  
 20 other people have done, how they have tried to  
 21 say what's a good number.

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1 Let me be clear. Ten was what the  
 2 governor used. That's because it keeps it low.  
 3 Is ten safe, not if I'm in the room with  
 4 nine others that's got the virus.  
 5 So as you go up, you know the risk goes  
 6 up.  
 7 Now, if you're outside, that doesn't mean  
 8 the risk goes away, but you're a whole lot  
 9 better. And that's the reason outside dining  
 10 is good, because if you have the same number  
 11 and the same condition of groups, you put them  
 12 inside and their risk for getting COVID goes  
 13 up, if there's somebody infected in there, 18  
 14 times.  
 15 So there is not a number that says  
 16 transmission will not happen if you keep it to  
 17 this number. The only thing is the lower you  
 18 keep it, the less risk you have. But there's  
 19 no magic number.  
 20 If you add alcohol to that group, and  
 21 trust me, I'm not a teetotaler, but they've

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1 shown time and time again that not only does  
 2 the social distance go downhill, but also any  
 3 masks that were pretending to be worn goes  
 4 downhill.  
 5 So there's several things you can take  
 6 into account when you're talking about numbers.  
 7 Some people even say well, let's do a number  
 8 inside but let's do a bigger number outside.  
 9 That's fine, okay. And it may be that you  
 10 don't want a very small number or there's  
 11 certain places that you want to make  
 12 exceptions.  
 13 But it is very clear you don't want 8,000  
 14 people from several states coming into Talbot  
 15 County at this time of the pandemic, okay. And  
 16 that's what can happen if you don't really take  
 17 some measures to limit the gatherings.  
 18 MR. PACK: And before I go into the  
 19 governor's letter, I wanted to recognize  
 20 Director Stamp and give you an opportunity to  
 21 kind of talk about this enforcement group and



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1 what they are looking forward to do.  
 2 Because I think you absolutely hit the  
 3 nail right on the head, Dr. Wadley, the  
 4 enforcement piece of this is going to be key to  
 5 make sure we get people to compulsory comply to  
 6 these directives.  
 7 Mr. Stamp.  
 8 MR. STAMP: Thank you, President Pack and  
 9 Members of the Council.  
 10 We've been hanging out now for 131 days.  
 11 MR. PACK: Is that the new number?  
 12 DR. WADLEY: Would it hurt your feelings  
 13 if I said I've seen enough of you?  
 14 MR. STAMP: I'm afraid we're not done.  
 15 So yeah. Today is the 131st day that your  
 16 Emergency Operations Center opened in response  
 17 to this COVID-19 virus. And at that time, we  
 18 mobilized very quickly to bolster our  
 19 infrastructure to make sure we could deal with  
 20 issues. And those things that we put in place  
 21 were making sure that we have medical surge

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1 capacity and that we could feed people that  
 2 needed to be fed and to support Kelly Griffith  
 3 with some of the things that her exposures.  
 4 She helped us with a lot of things as well.  
 5 We saw amazing work by people in our  
 6 community.  
 7 So we got ourselves up to where that  
 8 infrastructure was built and it's being  
 9 maintained.  
 10 Emergency Operations Center continues to  
 11 remain open. And every Wednesday we do an  
 12 operational call with about 45 representatives  
 13 from a multitude of agencies, organizations at  
 14 the State and local level and the  
 15 municipalities.  
 16 We're going to continue to maintain that.  
 17 This is a public health emergency. My role,  
 18 wearing the hat as your emergency manager, is  
 19 to support the health officer primarily for the  
 20 life safety threat.  
 21 Secondarily, we recognize we also have an

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1 economic impact component of this as well as an  
 2 educational component of this in addition.  
 3 So as we move forward, we saw the peak  
 4 start to come down. We built our  
 5 infrastructure. And prior to the cases coming  
 6 up, we knew that we had to open up because we  
 7 knew we needed to address the economic impact.  
 8 And we had to open up in a safe manner. So we  
 9 pled with the community.  
 10 Every Tuesday Cassandra and I host a  
 11 business call. We have anywhere from 40 to 60,  
 12 at one point there were 80 different people on  
 13 that call. It's a private sector call. The  
 14 public can call in as well. The purpose of  
 15 that call was to facilitate two-way  
 16 conversation. Not us just telling them what is  
 17 going on so they have situational awareness,  
 18 but we also could understand what was going on  
 19 in their world.  
 20 Fredia, Dr. Wadley, opened every one of  
 21 those meetings with a briefing and she answers

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1 questions. And at that time, our plea, our ask  
 2 of the community was balance. And people get  
 3 tired of hearing me say balance.  
 4 This is all about balance, and trying to  
 5 maintain balance on the roller coaster is hard.  
 6 And that's what we're doing. We're riding a  
 7 roller coaster and we're trying to maintain a  
 8 balance.  
 9 What has happened now is our balance has  
 10 gotten askew. And when we talk about  
 11 businesses opening, we want them to be  
 12 successful. We need them to be successful.  
 13 But at the same time, we initially started  
 14 talking about how to educate, how to support.  
 15 And we have some businesses that are not  
 16 in compliance, frankly. And we're seeing  
 17 numbers go up, and we can attribute some of  
 18 those numbers to businesses that are fostering  
 19 large gatherings.  
 20 And so we have to step forward now and in  
 21 a scalable manner present a unified front. We

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1 have existing capabilities for regulations.  
 2 And I know you'll consider Dr. Wadley's  
 3 recommendations moving forward.  
 4 But we have to engage, and we have to  
 5 engage. But understand in engaging, we want to  
 6 do it in a scalable fashion. Nobody is  
 7 interested in going down and immediately  
 8 slamming the door and shutting things down.  
 9 There's no intent to do that. But sometimes  
 10 you have to use a stick when the carrot doesn't  
 11 work all the time. So that's what we're  
 12 talking about right now.  
 13 Also, through this mechanism, we're going  
 14 to learn. So we're going to learn some  
 15 businesses that might say you know, we're just  
 16 being overrun, we're not really sure how to  
 17 handle it. And we'll work through that with  
 18 them to help them get to a safer operation.  
 19 So just in summary, again, my role as your  
 20 emergency manager, wearing that hat, is to  
 21 support Dr. Wadley and a myriad of people that

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1 are working on this. And I think we're doing a  
 2 good job.  
 3 I do know cases are going up, and I know  
 4 that worries people. Again, it's a roller  
 5 coaster and it's about balance. We just need  
 6 to make the adjustment.  
 7 I believe if we put a press release out  
 8 that says we're going to do -- we're going to  
 9 engage in a scalable effort to get people's  
 10 attention, we have Joe Gamble, we have Fredia,  
 11 we have a couple of them say something about  
 12 it, and I believe if we go in and address a  
 13 couple of the egregious situations, because  
 14 there are a couple of egregious situations just  
 15 waiting to challenge. So we go address those,  
 16 I believe we'll see this thing turn and we'll  
 17 get back to balance.  
 18 And then something else will happen in a  
 19 week or two weeks down the road, and we're  
 20 going to have to ride that as well.  
 21 But I'll just end there. And I want to

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1 let you know that your EOC is working. We're  
 2 coordinating. We're going to continue to do  
 3 that, we're going to continue to support, and  
 4 we're going to continue to work with you. And  
 5 thank you for your support and getting us to  
 6 where we are today.  
 7 MR. PACK: Thank you very much, Mr. Stamp.  
 8 Mr. Kupersmith, as just a matter of  
 9 procedure, Council can go about this one of two  
 10 ways. Either we can put forward something to  
 11 make a change within Chapter 190, which may be  
 12 a bit more lengthy of a process than I have an  
 13 appetite for personally, or we can issue  
 14 something along the lines of an emergency  
 15 directive working with the health officer to  
 16 address some of these concerns and get it out  
 17 more expeditiously.  
 18 I'm just turning to you just to make sure  
 19 that those are the two options that Council as  
 20 the Board of Health has in front of it at this  
 21 time.

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1 MR. KUPERSMITH: Thank you, Mr. Pack.  
 2 That's correct. And it really depends on  
 3 what you want to do and how quickly you want to  
 4 do it.  
 5 In the governor's executive order of  
 6 June 10th, he did give the Council and all  
 7 other local jurisdictions the authority to  
 8 adopt local orders that are stricter than his  
 9 orders. And my interpretation of that would be  
 10 that the intent is to give you the opportunity  
 11 to adopt something similar to what he's  
 12 adopted, which is via an executive-type action,  
 13 as opposed to do something that goes through a  
 14 longer legislative process due to the emergency  
 15 nature of what we're dealing with.  
 16 So that local order, if it's going to  
 17 pertain to the number of people at a gathering,  
 18 that is something that he provides for in here.  
 19 So a local order could address refraining from  
 20 congregating. So that's one of the things that  
 21 you could do that way.

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1 MR. PACK: Okay. Thank you very much,  
 2 sir.  
 3 MS. PRICE: So do we have an opportunity  
 4 to ask some questions?  
 5 MR. PACK: Sure. I'm just going to make  
 6 sure -- we wanted to make sure we understood  
 7 the way we can go this evening.  
 8 And I think the more optimal way to go is  
 9 through an executive order.  
 10 Sure. You want to ask questions of either  
 11 Dr. Wadley or Director Stamp, the floor is open  
 12 for that.  
 13 MS. PRICE: So the businesses obviously  
 14 have been incredibly impacted. So I would not  
 15 be in favor of anything that costs them money.  
 16 So let me clarify. When maybe bars and  
 17 restaurants and after hours, after nine or ten,  
 18 people have been (inaudible), and as you said,  
 19 you're not a teetotaler. To ask an employee to  
 20 be the enforcer, someone might say I'm not  
 21 listening to you, I'm going to do what I want.

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1 And we've seen examples even outside of a  
 2 Walmart or a Target where there's violence.  
 3 People have been hurt or worse.  
 4 And so if we want to make sure that  
 5 they're not bellying up to the bar and places  
 6 like that, then I think that it's something  
 7 that we need to have our law enforcement go  
 8 around, or whether it's our liquor inspector.  
 9 But it might be better on Friday and Saturday  
 10 nights to have some of our deputies be around,  
 11 go around Easton a little bit, go around  
 12 St. Michael's a little bit and have that.  
 13 I think it could be dangerous to try to  
 14 have some 23-year-old bartender say you can't  
 15 do that. And it gets out of control quickly.  
 16 And so once they're all gathered, I think it's  
 17 not that the business is condoning that  
 18 behavior. They may, they may not. Let's give  
 19 them the benefit of the doubt that they're not  
 20 condoning that behavior. But by the time  
 21 you've got 20 or 30 people gathered around a

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1 bar, what are they going to do.  
 2 And to call at the moment might be too  
 3 late. It's already happening.  
 4 So what I would be in favor of for bars  
 5 and restaurants and large indoor congregations  
 6 would be to have our officers, our uniformed  
 7 officers have a presence. Maybe willing to do  
 8 that for a few weeks until they get the idea  
 9 that we're going to do that.  
 10 If it's something that costs the county  
 11 overtime hopefully, and I think I mentioned  
 12 this with you before, Director Stamp, that that  
 13 would be something that we would apply for  
 14 reimbursement for under the CARES Act, that  
 15 that is an expense that we've had to take on.  
 16 I think that's the safest way and the most  
 17 direct way to deal with maybe the bars and the  
 18 restaurants right now. If that's something  
 19 that -- I just think to ask the -- you know,  
 20 having a restaurant having to hire someone else  
 21 just to do that first isn't going to have the

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1 same teeth as a uniformed officer. And they  
 2 just don't have the money.  
 3 I mean they're already operating in 25 to  
 4 50 percent capacity. They're struggling. So  
 5 if this is a problem, let's us take care of it  
 6 and have a presence there as far as that  
 7 particular problem.  
 8 Does that seem a reasonable --  
 9 MR. PACK: I believe the sheriff has  
 10 already gone out. Mr. Stamp, why don't you  
 11 speak to that, please?  
 12 MR. STAMP: So we have had some  
 13 conversations with Sheriff Gamble and actually  
 14 Chief Spencer, Chief Smith, Chief Maxwell. And  
 15 we've talked about some things, and what we can  
 16 do is go back and have that conversation with  
 17 them.  
 18 Certainly, we recognize that at any  
 19 moment's time, a proprietor of an establishment  
 20 could feel like things are getting a little out  
 21 of control and need some assistance.

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1 In my early conversations with law  
 2 enforcement, they indicated that, as happens  
 3 now without COVID, if a situation starts to get  
 4 out of control in one of these establishments  
 5 and the proprietor determines they want to  
 6 close it down, then they will call law  
 7 enforcement and law enforcement will help them  
 8 close it down.  
 9 So we can grow that conversation to figure  
 10 out how we can be helpful to the business  
 11 community and do so in a manner which is  
 12 comfortable to our law enforcement agencies.  
 13 MS. PRICE: Being proactive rather than  
 14 reactive to the problem. Once it's already  
 15 happened, you already have those people. So I  
 16 would like to be more proactive.  
 17 And just let's set a presence there. I  
 18 think the behavior will change, rather than  
 19 saying I'm going to call the cops on you. I  
 20 mean that automatically sets up a situation  
 21 where it's battlesome.

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1 MR. PACK: I know you're not saying this.  
 2 I know we cannot expect a uniformed officer to  
 3 be at those restaurant locations 24/7. But --  
 4 MS. PRICE: No. They would go around to  
 5 the various places in St. Michael's and go  
 6 around. You know where you're going. Go out  
 7 for a couple of hours.  
 8 MR. PACK: Our code compliance officer is  
 9 also --  
 10 MR. STAMP: Again, my appeal to you. I  
 11 hear you. And it seems logical. And I'm  
 12 having conversations with law enforcement, and  
 13 we just have to figure out what works for them  
 14 and could be appropriately done to meet the  
 15 need that you've set up.  
 16 MR. CALLAHAN: So question, Clay and  
 17 Dr. Wadley. On an average, how many complaints  
 18 are you getting a week, roughly?  
 19 DR. WADLEY: You don't even want to know.  
 20 I get e-mails, I get calls.  
 21 Now, the State Police, and I've heard this

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1 on several State calls, we're not getting any  
 2 calls. The answer to that is nothing happened  
 3 and they're not going to call back.  
 4 Same thing happens with us. If they call,  
 5 we go out, we educate. They go back the next  
 6 time and see the same thing, they may call the  
 7 second time. (Inaudible), they're not going to  
 8 call. They wasted their time.  
 9 But do I still get a lot, yes. And you'd  
 10 be surprised how many times at the same places.  
 11 It's not like I get a call about every place.  
 12 Okay. Not in the least.  
 13 We have a few that's in your face, I'm not  
 14 going to do anything. And I think that's the  
 15 ones, you know, with the complaints you start  
 16 first.  
 17 And I agree, you do not punish all of the  
 18 ones that's trying when a few are the bad  
 19 characters.  
 20 MR. PACK: I think that any civil citation  
 21 or criminal citation would be applied to the

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1 restaurant and not to the individual. It is  
 2 really incumbent upon the restaurant to, again,  
 3 remind the person that they have to wear a  
 4 mask, offer them a mask if they don't have one.  
 5 Forgot it and left it in the car, that's  
 6 happened to me on several occasions.  
 7 But if the person then refuses to, they  
 8 should be asked to leave the premises. If they  
 9 don't, then, of course, then you call law  
 10 enforcement because now you're getting into a  
 11 trespassing.  
 12 DR. WADLEY: They can.  
 13 I think what we're more concerned with in  
 14 the beginning, let's be very, very clear, I'm  
 15 more concerned right now not with the person  
 16 who goes into a retail place and doesn't have a  
 17 mask on. That's a problem. I'm more concerned  
 18 about the establishments that are not taking  
 19 any effort, don't intend to take any effort,  
 20 and don't intend for their employees to wear a  
 21 mask. And they've said it. Okay.

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1 Never would I want to shut down a  
 2 restaurant, take their food license or even  
 3 crazy like that because some customer got  
 4 cranky and said, as they do all the time. I  
 5 don't believe you take that out on the  
 6 businesses. But if they've made no effort to  
 7 put up signage, anything, and won't even have  
 8 their employees wear a mask, then I don't have  
 9 a lot of sympathy.  
 10 MR. PACK: I agree with you.  
 11 If we could, Council, just to see where we  
 12 want to go with this this evening, looking at  
 13 the governor's letter dated July the 14th,  
 14 there are four bullet items that are drafted  
 15 here on the letter.  
 16 First one deals with restaurants and bars  
 17 that we're talking about now in that seating  
 18 area, that patrons should be seated in order to  
 19 be served in that establishment. And it also  
 20 talks about customers must be seated at least  
 21 six feet apart from other guests.

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1 The third point that he makes on this  
 2 first bullet is that standing or congregating  
 3 in a bar area is strictly prohibited.  
 4 I had some conversation about  
 5 Mr. Kupersmith about this and also Mr. Stamp.  
 6 And if you set up two bar stools six feet apart  
 7 at the beginning of the shift and you're  
 8 allowing people to sit there in those bar  
 9 stools, by the end of the evening, those stools  
 10 are going to go from six feet to five feet to  
 11 four feet. And as you said before, you throw  
 12 in a couple of drinks in the mix of that, and  
 13 that could happen quicker.  
 14 What I would ask that we do is just  
 15 eliminate any types of order being taken at the  
 16 bar. The orders have to be taken from a table  
 17 and must be delivered by a waitress. So you  
 18 eliminate that person from sitting at the bar,  
 19 where he and the bartender may only be, the  
 20 width of a bar is what, two feet, two and a  
 21 half feet. So you're putting that bartender at

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1 risk as well.  
 2 I would like to see this as just that  
 3 there will be no orders taken at the bar,  
 4 period. That all ordered have to be taken from  
 5 a table and not at that bar. You can't even  
 6 sit there.  
 7 And he says here that only seated, service  
 8 is only for seated customers only. So he says  
 9 that in his first bullet. But we might want to  
 10 take it one step further and say you can't even  
 11 place the order at the bar. The order has to  
 12 be placed --  
 13 MS. PRICE: I do have a question. There  
 14 are some restaurants where if you're going to  
 15 take out, that's the only place where you can  
 16 order the take-out and get that.  
 17 So you kind of have to make room for that  
 18 if that's the way that particular restaurant is  
 19 set up and you're getting take-out. Sometimes  
 20 that's where you go, you go to the bar and  
 21 order your food and you take it out. So you

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1 can't eliminate that.  
 2 So we'd have to write it in such a way  
 3 that customers who are in dining, it wouldn't  
 4 apply to a take-out order. Right? We do have  
 5 some like that.  
 6 DR. WADLEY: They can order when they --  
 7 MR. PACK: You can call in and order.  
 8 DR. WADLEY: That can be done.  
 9 MR. PACK: You can call and order in.  
 10 MS. PRICE: But not everybody is doing  
 11 that. I mean if it's for take-out, we'll allow  
 12 it. You go and you come and you make your  
 13 order, you go wait wherever and you come and  
 14 get your food.  
 15 I just don't want to eliminate the  
 16 take-out capacity because every business is set  
 17 up differently. So I just want to make sure  
 18 this would be, that it would not affect any  
 19 take-out orders, because they are doing some  
 20 take-out orders and allowing alcohol to be  
 21 taken out as well.

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1 So as long as we have the exception for  
 2 the take-out orders. If you're there consuming  
 3 or drinking on premises, you must be at a  
 4 table. Take-out orders will be different.  
 5 DR. WADLEY: Depends on how many you're  
 6 taking out.  
 7 MS. PRICE: We're not limiting take-out.  
 8 These places have to survive. If that's where  
 9 you go to pick up your food, even if you order  
 10 it on the phone, you still got to go there and  
 11 pick it up.  
 12 DR. WADLEY: That's right.  
 13 MS. PRICE: Right. So I'm just saying  
 14 based on the layout of a business or a  
 15 restaurant, you've got to just allow for the  
 16 take-out orders in the best way that they can  
 17 do it. If that's the only place that they have  
 18 a cash register to ring up the take-out order,  
 19 then we just need to allow that.  
 20 I don't think we need to get stuck on  
 21 this, but I just want to make sure the take-out

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1 is not included in this.  
 2 MR. PACK: We can write it to that point.  
 3 What you don't want to do is have someone,  
 4 while they're waiting for their take-out, order  
 5 a beer at the same time while they're standing  
 6 there. You want to eliminate that from  
 7 occurring.  
 8 So that would be my first item that I  
 9 would like us to address is making sure that  
 10 there's no orders placed for on-premises  
 11 consumption at the bar. If you're taking a  
 12 take-out order and you're picking it up to go  
 13 out, that's one thing. But you should not be  
 14 placing an order at the bar for consumption on  
 15 the property, whether it be food or beverage.  
 16 They should be taking that at the table.  
 17 MR. LESHAR: Mr. Pack, is that in addition  
 18 to the other language that you cited from the  
 19 governor's letter? (Inaudible), no standing or  
 20 congregating, six feet apart.  
 21 MR. PACK: Right. It just adds that no

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1 order taken as well.  
 2 He has the standing or congregating piece  
 3 of it in here. But to make sure that the order  
 4 is not even taken at the bar for that  
 5 on-premise consumption, that the order is taken  
 6 from the table.  
 7 MR. LESHAR: Okay. I just wanted it  
 8 clarified that that was not instead of, it --  
 9 MR. PACK: No. That's in addition to, in  
 10 addition to.  
 11 MS. PRICE: I just would like to ask a  
 12 quick question of Dr. Wadley, since you are  
 13 most familiar with every restaurant in Talbot  
 14 County.  
 15 Do any think there's any examples where  
 16 there is a restaurant that does not have a wait  
 17 staff, that the only thing that they have is  
 18 someone taking orders at a bar?  
 19 Just a question.  
 20 DR. WADLEY: I couldn't answer that.  
 21 MS. PRICE: Okay.

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1 MR. DIVILIO: What about like sandwich  
 2 shops in town where you might sit at just the  
 3 bar top for a sandwich? (Inaudible.)  
 4 MR. PACK: Well, there's no standing or  
 5 congregating in that area. So that's already  
 6 in that, in this.  
 7 MS. PRICE: Bar is different than sitting  
 8 and having a sandwich as long as they're six  
 9 feet apart.  
 10 MR. DIVILIO: At a countertop. I'm  
 11 thinking also countertops, bars. Not  
 12 necessarily just evening, but also thinking  
 13 lunch and breakfast. There are breakfast bars  
 14 in town as well.  
 15 MR. PACK: Well, Hills has a small counter  
 16 area. Not a bar, but a counter area. But it's  
 17 going to be difficult for them to maintain a  
 18 six-foot separation as well.  
 19 MS. PRICE: Do you know what they've been  
 20 doing at a place like that, Dr. Wadley?  
 21 DR. WADLEY: I didn't hear you.

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1 MS. PRICE: Say like the Hills fountain,  
 2 the little fountain where you can sit and have  
 3 a sandwich or whatever. Hills in Easton.  
 4 DR. WADLEY: I still can't hear you.  
 5 MS. PRICE: Say the Hills soda fountain in  
 6 Easton where they just have like that counter  
 7 where you could sit and have a sandwich or  
 8 breakfast, do you know how they've been dealing  
 9 with it since the --  
 10 DR. WADLEY: No, I don't. Now, I know  
 11 some of them have put things on the stools or  
 12 wherever so you can't sit here. So it would  
 13 leave several stools vacant in between so that  
 14 you had to be seated, you weren't elbow to  
 15 elbow and you also weren't bellying up to the  
 16 bar. So that's the way some have done it.  
 17 MR. PACK: I think by eliminating that,  
 18 and I know what you're referring to,  
 19 Mr. Divilio, I think by eliminating that  
 20 activity at the either breakfast bar or  
 21 beverage bar, you knock down the possibility of

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1 that waiter or waitress or bartender being  
 2 exposed unintentionally. Because you've got to  
 3 take off the mask to eat or drink, so now  
 4 you're putting them at greater proximity to the  
 5 guests.  
 6 So if they're at a table, then the  
 7 waitress drops off the food --  
 8 MS. PRICE: -- that's no different than  
 9 the waitress coming to the table or the  
 10 waitress coming up. The waitress isn't  
 11 standing there right in front of you while  
 12 you're eating.  
 13 I don't want to do anything for the food  
 14 piece of it.  
 15 I understand what the governor is getting  
 16 at is restaurants and bars. He's talking about  
 17 people that are drinking at night. Let's not  
 18 go overboard and start saying that the soda  
 19 fountain, you can't go get a breakfast sandwich  
 20 there. I am not for putting that restriction  
 21 in at this time.

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1 I don't think we've heard any issues with  
 2 that, complaints with that. And as long as  
 3 they're Xing out every other one and you've got  
 4 a group of two people and put a bar stool in  
 5 between, if you're sitting there having a  
 6 sandwich. I don't want to do that to a  
 7 business. They're already suffering.  
 8 I think it's the bars and we're talking  
 9 about alcohol and that's the problem. And  
 10 let's address the problem and not go beyond.  
 11 MR. PACK: I'm just reading from his  
 12 order, Ms. Price. He says bars and  
 13 restaurants. So he clearly makes a distinction  
 14 of the two.  
 15 MS. PRICE: Bars means going up and  
 16 getting alcohol. I don't think he's talking  
 17 about a bar meaning a counter where you are  
 18 eating a sandwich. That is not what the  
 19 governor is referring to, and if we need to get  
 20 clarification.  
 21 But let's use common sense here. You're

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1 talking about alcoholic bars.  
 2 MR. CALLAHAN: Why don't we just try to  
 3 simplify it and just say we want social  
 4 distance at the bar? And just start with that  
 5 and see how enforcement goes.  
 6 So if the bar can seat six people, the  
 7 owner tells them all they can do is have six  
 8 seats at the bar. And then that way when they  
 9 get their first warning, they'll know the  
 10 second one is going to be not that great, the  
 11 second warning.  
 12 So I mean if you start with little bits  
 13 instead of just wiping it all out, that might  
 14 be the way to sort of start.  
 15 MR. LESHAR: Mr. Callahan, are you  
 16 suggesting we go with the governor's language,  
 17 seated to be served, six-foot separation, no  
 18 standing or congregating?  
 19 MR. CALLAHAN: Yes, sir.  
 20 MS. PRICE: Why do we need to do anything  
 21 different than that?

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1 MR. DIVILIO: I'd like to ask a question.  
 2 There was some confusion. I think the question  
 3 before about when the Emergency Declaration was  
 4 lifted, everybody thought everything was great,  
 5 go to the beach and pool.  
 6 When I look at this, I kind of see two  
 7 problems.  
 8 One, the regular individual out there is  
 9 confused. They don't know the direct  
 10 messaging. We opened up restaurants, we opened  
 11 up the State. We've made some changes to make  
 12 believe people that they're safe. And they're  
 13 not.  
 14 And I want to make sure that we notify the  
 15 public that we're putting these things in place  
 16 because the public is the problem and that we  
 17 want everybody to be healthy.  
 18 And I spoke with Director Stamp yesterday  
 19 about the Emergency Declaration and if we  
 20 needed to put it back in place just to show  
 21 everyone that there is still COVID-19 here.

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1 And we came to the conclusion that no, we did  
 2 not need to do that.  
 3 But I do think I like the press  
 4 conference. The public needs to know.  
 5 For everybody watching, I'm sorry this is  
 6 such a terrible process. This is transparent  
 7 government. We're up here trying to figure it  
 8 all out for the first time without talking  
 9 behind the scenes.  
 10 But yes, I think that we do need to  
 11 address the businesses, but to also make sure  
 12 that the citizens know that we're going to hold  
 13 them, that we are going to hold them  
 14 responsible.  
 15 Nobody has done that. We've asked for a  
 16 lot of civic responsibility. We're not getting  
 17 it. So I think that also needs to be  
 18 addressed. I think the press release would be  
 19 the best way to do that.  
 20 MR. STAMP: Okay.  
 21 MR. PACK: The second item that he has

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1 regarding wearing a face mask while working and  
 2 interacting with customers, we can certainly  
 3 mandate that as well, that all persons must  
 4 wear a face mask when they're in the working  
 5 setting, both the employees and the customers.  
 6 MS. PRICE: That's already in the  
 7 governor's orders.  
 8 MR. PACK: Right.  
 9 MS. PRICE: So we don't need -- we just  
 10 need to -- I think maybe where we're going with  
 11 this is we need to reinforce the governor's  
 12 orders, restate them. We're not doing anything  
 13 stricter than. We don't need to be stricter  
 14 than.  
 15 If we look at our rates, I actually had  
 16 some questions for you just about numbers and  
 17 things like that. Sorry for getting you some  
 18 spreadsheets today. You haven't gotten that  
 19 part of me before. Usually it has to do with  
 20 budgets.  
 21 But yes, we've had several dozen extra

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1 cases in the last few weeks. But overall, our  
 2 hospitalization rates, our death rates and  
 3 things like that.  
 4 And that's what the governor always said  
 5 that he was going to follow, was the  
 6 hospitalizations. Once we had surge capacity,  
 7 once we flattened the curve, had the surge  
 8 capacity, which we have, we have the PPEs and  
 9 all of that, that I don't think that we need to  
 10 go any further than what the governor's orders  
 11 are here in Talbot County.  
 12 But it may be, like Mr. Divilio said, we  
 13 need a nice reminder of what those orders are.  
 14 But I don't think that we need to do anything  
 15 stricter.  
 16 I have some questions about whether or not  
 17 we actually have Constitutional authorities to  
 18 do that. The federal government and the State  
 19 governments have the Constitutional  
 20 authorities. I think that some of those could  
 21 be challenged if we start doing things stricter



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1 than the State.

2 I don't know that we need to do that here

3 in Talbot County, but I have no problem with

4 reminding people of what those orders are.

5 MR. LESHER: Well, the governor has asked

6 us to impose civil penalties, and we have

7 specific requests from our health officer to

8 limit gatherings and enforce face mask wearing,

9 presumably with those civil penalties.

10 I would support moving on both of those

11 fronts.

12 MR. DIVILIO: I would as well, especially

13 when you read what is right above this. At

14 least -- this is from Governor Hogan. At least

15 12 states already moved to reclose bars and

16 restaurants. We do not want to be forced to

17 take the same action here in Maryland.

18 This is what he's asking for so that we

19 don't have to do that. We're trying to keep

20 everyone safe, keep all the businesses afloat,

21 and the community going.

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1 MS. PRICE: Right. But this letter is

2 specific for bars and restaurants. We're not

3 going further than that on these things.

4 As far as I don't think any of this is

5 criminal. So I mean nobody is going to do that

6 with a year in jail and all of that.

7 Again, I don't want to put an expense on

8 the business. I really would like to be

9 proactive with having a presence for a little

10 while. And then if there are still people who

11 are being egregious, that's different. Again,

12 I don't want to penalize that business with a

13 civil violation or then does it turn into

14 somebody who happens to be five feet away from

15 another person, you're going to give somebody a

16 civil penalty because they're five feet away

17 instead of six feet away.

18 I don't want to give monetary damages.

19 Businesses don't have the money. And as long

20 as they're putting forth their best effort,

21 reporting things, and we are proactive with

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1 getting some law enforcement presence in there,

2 I don't think it's going to take that long. A

3 few weeks of hanging out on Friday and Saturday

4 nights hopefully will give them the reminder

5 that they need and make them feel better that

6 there's someone to help them. Because it is an

7 uncomfortable thing, as I started out when I

8 was talking, that having the employee or the

9 owner enforce it is difficult. And I think

10 they would like the support hopefully.

11 MR. STAMP: I just want to reiterate.

12 This is something that would have to be

13 coordinated with our police chiefs and with the

14 sheriff, and that's yet to be done. So we'll

15 have to take it back to them and see where

16 their position is on that.

17 I understand what your ask is, and we'll

18 take that back to them.

19 MS. PRICE: Is that something, I started

20 to ask this before, is that something that you

21 think might be reimbursable as far as expenses

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1 under the CARES Act?

2 MR. PACK: A civil penalty?

3 MS. PRICE: No, no. Extra law enforcement

4 if we have to --

5 MR. STAMP: So there's two primary areas

6 that we can seek reimbursement for. And both

7 really address our ability, those things that

8 we have to employ in order to respond to the

9 threat of the COVID virus, and that's broad.

10 If we have determined we're trying to seek

11 that balance for safe reopening and part of

12 that is enforcement, whether it's inspectors,

13 additional inspectors, people working overtime

14 assigned to a detail to do something, I think

15 that would probably be eligible under either

16 CARES or the FEMA reimbursement.

17 MR. LESHER: It seems to me the best way

18 to relieve our businesses of possible criminal

19 penalties is to create civil penalties.

20 MS. PRICE: I'm not prepared to do civil

21 penalties this evening.

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1 Why don't we see what some proactive  
 2 enforcement will do? And if we need to come  
 3 back and revisit this in a month, and if  
 4 there's people being really egregious, then we  
 5 can do that.

6 But let's see if we can't let a little bit  
 7 of extra reminder get out there and some  
 8 proactive presence before we start talking  
 9 about that. Because in most cases, it's  
 10 probably not their fault. Probably talking  
 11 about a handful at most of people. And I just  
 12 don't want to see us come down on something  
 13 that gets out of control that's out of the  
 14 business owner's hands until we can offer them  
 15 help and offer them support and offer them a  
 16 presence.

17 MR. PACK: I think that delaying this  
 18 problem just makes it worse. The reason why  
 19 Dr. Wadley is here is because the problem has  
 20 grown to a point where we're leading the State  
 21 in our positive rate, over eight percent. Our

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1 numbers have increased dramatically. Well,  
 2 over 200 cases now in Talbot County.

3 So if you notice that red light flashing  
 4 in front of you and those bells going off, that  
 5 lets you know you're coming -- you're headed to  
 6 something really, really bad.

7 I think that we need to take some  
 8 affirmative action tonight regarding a number  
 9 of the issues that she brought to our  
 10 attention. Kicking this can does not address  
 11 anybody's health problems here in Talbot  
 12 County. We have to listen to what your team is  
 13 saying and put those recommendations into  
 14 practice.

15 MR. CALLAHAN: Dr. Wadley and Clay, 131  
 16 days, you guys have done a phenomenal job. You  
 17 really, really have. I want to commend you for  
 18 that, for trying to keep us safe.

19 Very difficult making decisions to make  
 20 everybody happy.

21 One thing I think is going a little far,

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1 and this is just me, I think the civil penalty  
 2 is going just a step too much.

3 I like some of the order. I feel like  
 4 these businesses just opened up in the last six  
 5 weeks to eight weeks and got their self  
 6 somewhat back on track.

7 To walk in a business and basically give  
 8 them a fine, I'm just not there. I'm sorry,  
 9 I'm just not quite there.

10 DR. WADLEY: I can understand that. I was  
 11 not quite there on the criminal citation. To  
 12 me, issuing a criminal citation is far worse  
 13 than a civil.

14 So if you want to know why the executive  
 15 order has not been used or enforced, it's  
 16 because for many reasons, myself included, you  
 17 hate to issue a criminal citation. It doesn't  
 18 have to be up to 5,000, and it doesn't have to  
 19 be up to a year in prison. But nobody likes a  
 20 criminal citation. And so it's not enforced.

21 MR. CALLAHAN: Right.

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1 MR. PACK: And if you notice,  
 2 Mr. Callahan, in reading of the governor's  
 3 letter, again, on July the 14th, it says here  
 4 in the bottom paragraph the violator should be  
 5 warned, fined, and then action taken. So  
 6 you're not walking in the door and giving them  
 7 a fine on the first occurrence.

8 As we stated before, Sheriff Gamble has  
 9 already gone out and talked to a number of  
 10 these establishments letting them know that  
 11 these things are in place.

12 I don't know how many bites of the apple  
 13 you want to give an establishment that just  
 14 refuses, absolutely refuses to comply.

15 And if the compliance officer or the local  
 16 deputy goes in, they're saying oh, we don't  
 17 wear a mask here because I have asthma, because  
 18 I have an upper respiratory illness. That  
 19 should be proven by the court. They still  
 20 should be cited, and they should have their day  
 21 before a District Court judge to show that

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<p>1 those health issues actually occur.</p> <p>2 But you --</p> <p>3 MS. PRICE: Now, that's violating the</p> <p>4 HIPAA law. So no, you can't do that. You</p> <p>5 can't ask someone to prove a health --</p> <p>6 MR. PACK: You do have some persons who</p> <p>7 are just willfully not --</p> <p>8 DR. WADLEY: That's not HIPAA. That's</p> <p>9 ADA, and that's a myth.</p> <p>10 MR. PACK: You do have some persons who</p> <p>11 are just willfully not abiding by the order and</p> <p>12 who are putting themselves and their coworkers</p> <p>13 and their customers at risk.</p> <p>14 MS. PRICE: I don't think we have given</p> <p>15 them really any bites at the apple. Yeah,</p> <p>16 there might be a couple.</p> <p>17 Let's be proactive first. There is no</p> <p>18 reason we have to rush to do this. We haven't</p> <p>19 even gone back out to reinforce what the</p> <p>20 governor's orders are and --</p> <p>21 DR. WADLEY: I've been to some places four</p>	<p>1 with that.</p> <p>2 And let's do gatherings inside versus</p> <p>3 outside separate.</p> <p>4 That's where Congress gets into trouble.</p> <p>5 They package everything together and you got</p> <p>6 80 percent of it's great and 20 percent of it's</p> <p>7 that unworkable.</p> <p>8 Could you consider doing this as far as do</p> <p>9 one specific thing for bars and restaurants and</p> <p>10 deal with that?</p> <p>11 The governor specifically wrote to us a</p> <p>12 letter last week.</p> <p>13 And then we can talk about gatherings and</p> <p>14 what limitations we want to put on that as a</p> <p>15 separate issue.</p> <p>16 MR. PACK: Although the governor</p> <p>17 highlighted bars and restaurants, Ms. Price, he</p> <p>18 said in his letter businesses, period, that</p> <p>19 fail to comply. He didn't say just restaurants</p> <p>20 and bars. He said businesses that fail to</p> <p>21 comply. So there is not just bars and</p>
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<p>1 and five times, along with the police. Four</p> <p>2 and five times educating.</p> <p>3 MR. PACK: I don't really know what you</p> <p>4 want to do this evening. Your health officer</p> <p>5 is here. She's not here just for own sake.</p> <p>6 She's here trying to give you clear</p> <p>7 instructions as far as what is going on.</p> <p>8 But it appears to me that. . .</p> <p>9 MR. LESHER: Mr. Pack, let's put something</p> <p>10 on the table and see how it goes. I would ask</p> <p>11 that we direct staff to draft emergency</p> <p>12 legislation to enforce limits on gatherings and</p> <p>13 wearing a mask and creating civil penalties for</p> <p>14 those offenses.</p> <p>15 MS. PRICE: For bars and restaurants.</p> <p>16 MR. LESHER: I did not limit it, neither</p> <p>17 did our health officer in her request.</p> <p>18 MR. PACK: Correct.</p> <p>19 MS. PRICE: I think that's awfully broad.</p> <p>20 I think we should do this in pieces and let's</p> <p>21 address the bars and restaurants and let's go</p>	<p>1 restaurants. He highlighted bars and</p> <p>2 restaurants in his July 14th letter --</p> <p>3 MS. PRICE: I'm saying gathering is</p> <p>4 separate than a business.</p> <p>5 MR. PACK: -- but he was talking about</p> <p>6 businesses that failed to comply and put their</p> <p>7 customers at risk.</p> <p>8 MS. PRICE: But gatherings is separate</p> <p>9 than a business. So they're two separate</p> <p>10 things.</p> <p>11 MR. PACK: Let me see if I can get</p> <p>12 Mr. Leshler's motion down. He said, once again,</p> <p>13 limiting gatherings, both outdoor gatherings</p> <p>14 or?</p> <p>15 MR. LESHER: I think we should. We've</p> <p>16 been suggested that there's no magic number.</p> <p>17 We'll need to set something, whether that is 15</p> <p>18 and 50 for indoors and outdoors. Or I'm open</p> <p>19 to advice on that and that could be adjusted.</p> <p>20 We can start drafting this legislation</p> <p>21 while we are finalizing those numbers.</p>

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1 MR. PACK: And give me the second part  
 2 dealing with masks again. I can write that  
 3 down. You had a second part of your --  
 4 MR. LESHER: It is to limit gatherings.  
 5 And separate limits certainly for indoors and  
 6 outdoors. Fifteen and 50 or whatever those  
 7 numbers should be.  
 8 MS. PRICE: It should be --  
 9 MR. LESHER: And enforcing of wearing a  
 10 mask.  
 11 And for the above items, to create civil  
 12 penalties for violations.  
 13 Is that in accordance with the request?  
 14 MS. PRICE: Okay. So 15 is so arbitrary.  
 15 We've been at like 50 percent of indoor  
 16 capacity. So to say that a room that's got  
 17 3,000 square feet should be treated the same as  
 18 a room with 300 square feet is completely  
 19 arbitrary. And this is where a lot of county  
 20 executives got into trouble a couple of months  
 21 ago when they picked arbitrary numbers.

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1 If you want to say 50 percent capacity.  
 2 Does that mean you're going to limit  
 3 church again? Does that mean those churches  
 4 that are at 50 percent capacity, now you're not  
 5 going to allow more than 15 people in there?  
 6 That's not right. It doesn't make sense. It's  
 7 arbitrary.  
 8 Again, if you've got an outdoor space and  
 9 you're in big, huge Idlewild Park, the key --  
 10 and I know that Dr. Wadley will agree with  
 11 this. It's the social distancing. And if you  
 12 are maintaining social distancing, you don't  
 13 need the mask.  
 14 Everything that we read is when you can't  
 15 maintain six-foot social distancing, you should  
 16 wear a mask other than in an indoor retail  
 17 establish, where they are required.  
 18 But we should not go further than that and  
 19 all of a sudden you've got a gathering, you're  
 20 outside at the park and you're mandated to wear  
 21 a mask when you're six feet apart. Or the way

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1 they're sitting, six feet apart.  
 2 Everything I read is when you can't  
 3 maintain six-foot social distancing, you should  
 4 wear a mask.  
 5 I won't do anything more than that because  
 6 you don't need both.  
 7 We've got plexiglass here. That is  
 8 probably going to block more than a piece of  
 9 cloth on your face.  
 10 So that's the other thing with businesses.  
 11 If you think about a bank teller, if they're by  
 12 themselves behind a piece of plexiglass and  
 13 they're barricaded basically, kind of like  
 14 we've barricaded ourselves up here, then you  
 15 don't necessarily have to have a mask on. That  
 16 was the whole idea behind putting the  
 17 plexiglass up here.  
 18 DR. WADLEY: Plexiglass does not screen  
 19 out water droplets from your breath.  
 20 MS. PRICE: These --  
 21 DR. WADLEY: So if Peter Leshar takes off

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1 his mask, his head, he raises his head just a  
 2 little bit to talk to you, those water  
 3 droplets --  
 4 MS. PRICE: Well, sure. And these aren't  
 5 very big. I'm thinking more of a barricade.  
 6 But my bigger point was when six-foot  
 7 social distancing cannot be maintained, you  
 8 should wear a mask. That is the way most  
 9 orders have been written. And so if you can  
 10 maintain social distancing, I don't think that  
 11 you need to have the mask mandate all of the  
 12 time.  
 13 DR. WADLEY: Is that outside or inside?  
 14 MS. PRICE: If you can maintain six-foot  
 15 social distancing, then I don't know that we  
 16 need to do anything beyond what the governor's  
 17 orders already state. That's my point. The  
 18 governor already took care --  
 19 DR. WADLEY: His orders are inside in a  
 20 building, inside retail.  
 21 MS. PRICE: Yes.

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1 DR. WADLEY: But you need the mask.  
 2 MS. PRICE: Correct. Inside retail.  
 3 But he didn't talk about other places. He  
 4 was talking about retail.  
 5 So if you were to go visit your attorney  
 6 and you're sitting in his office, as long as --  
 7 if you're my attorney and I'm sitting here,  
 8 we're kind of far apart. But you get the idea  
 9 that you don't have to, in a service business  
 10 if you are maintaining that social distancing.  
 11 MR. PACK: Well, if you're in the Town of  
 12 Easton, I think the Easton ordinance covers  
 13 all --  
 14 MS. PRICE: Yeah. And again, within the  
 15 Constitutional authority here. I'm not so sure  
 16 that the Constitution flows down beyond the  
 17 federal and State.  
 18 So I'm just saying I don't think that we  
 19 should do, need to do anything more than what  
 20 the governor's orders already state.  
 21 MR. PACK: Council members, we do have a

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1 very heavy agenda. We have a public hearing  
 2 that we have to get to.  
 3 Mr. Leshner is asking us to support his  
 4 direction for Mr. Kupersmith to work with  
 5 drafting an executive order, emergency  
 6 executive order dealing with limiting  
 7 gatherings. He's had a number of 15 and 50.  
 8 Also, the wearing of masks for events and civil  
 9 penalties for persons who violate --  
 10 MS. PRICE: Mr. Leshner didn't address my  
 11 question about church. Does that mean not more  
 12 than 15 can go inside a church building now?  
 13 MR. LESHNER: I would suggest that we get  
 14 this drafted up. We can debate the  
 15 enforceability and applicability of it.  
 16 MS. PRICE: I mean 50 percent is where  
 17 they have been so far, 50 percent capacity.  
 18 MR. LESHNER: It's not working is what I'm  
 19 saying now.  
 20 MR. PACK: -- I just need to hear from  
 21 Councilman Divilio and Callahan so I know where

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1 we are with this so we can move this matter  
 2 forward.  
 3 MR. CALLAHAN: Let's get Mr. Kupersmith to  
 4 go ahead and start writing something up. We  
 5 all take a look at it, we all tweak it the way  
 6 we want to tweak it.  
 7 MR. PACK: Okay. Mr. Divilio, I need your  
 8 input on that.  
 9 MR. DIVILIO: Yes.  
 10 MR. PACK: Mr. Kupersmith, would you sit  
 11 down please and draft that and get it back to  
 12 Mr. Leshner and the rest of us for us to take a  
 13 look at. And then we'll see how that shapes  
 14 out.  
 15 Dr. Wadley, thank you very much for taking  
 16 your time. Certainly appreciate all that  
 17 you've done.  
 18 Mr. Stamp, thank you very much as well.  
 19 Council, we need to move on in our agenda.  
 20 We've going to hear now from our superintendent  
 21 of schools, Dr. Kelly Griffith.

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1 Dr. Griffith probably had the best quote  
 2 during the 135 days, Mr. Stamp. What was her  
 3 quote? I'll do better the next pandemic. I  
 4 think that's going to be the title of our book  
 5 once we get done with that. I'll Do Better the  
 6 Next Pandemic by Dr. Kelly Griffith.  
 7 DR. GRIFFITH: That's right, that's right.  
 8 MR. PACK: Good to see you again.  
 9 DR. GRIFFITH: It's great to see you.  
 10 Thank you for being here. We will be brief.  
 11 So we had a Board meeting on July 15th.  
 12 And I have Sara Jones, our new chief financial  
 13 officer, with me tonight. She's going to talk  
 14 about the budget transfers.  
 15 But I just want to preface the whole  
 16 conversation with this. As we are taking and  
 17 closing out the FQ20 school year, we are making  
 18 sure that we're closing out the school year  
 19 looking at all of our categories and where  
 20 there might be some savings and where we might  
 21 have had to overspend.

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1 And we're still in the process of  
 2 determining what we're going to be doing for  
 3 the fall. We're still working with staff and  
 4 training. We're also bringing in some small  
 5 groups and testing some kids this summer. So  
 6 we're in a flux.  
 7 So we may be back to you again. That's  
 8 what I'm basically saying to you is this is  
 9 maybe the first of a couple.  
 10 MR. PACK: Understood.  
 11 DR. GRIFFITH: But we feel that we need to  
 12 be transparent and we need to be good fiscal  
 13 stewards of the tax payers' money. And we need  
 14 to show people where there are some savings,  
 15 but we also need to show some people where we  
 16 have some overspent categories and why.  
 17 So I'm going to turn it over to Ms. Jones  
 18 and we'll go from there.  
 19 MR. PACK: Ms. Jones.  
 20 MS. JONES: Good evening. Basically,  
 21 we're requesting amendments to allow for

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1 additional spending in two budget categories,  
 2 which will be funded from savings and two other  
 3 budget categories.  
 4 So the good news is we're not coming to  
 5 you looking for more money. We have been  
 6 living within our means. We just had some  
 7 additional costs in certain categories.  
 8 So the first of those categories where we  
 9 had some additional costs was special  
 10 education. You may know that we sometimes have  
 11 to send students out of our schools into highly  
 12 specialized schools so that students can  
 13 receive highly specialized or intensive  
 14 therapies and care.  
 15 It's very difficult to budget for those  
 16 because the number of students in those  
 17 situations changes, fluxes, they come in, they  
 18 come out. And also the costs are wildly  
 19 unpredictable. They may be extremely  
 20 expensive, in the hundreds of thousands for a  
 21 single student.

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1 So we found ourselves in a situation this  
 2 year where we exceeded those costs over our  
 3 budgeted amount by about \$300,000.  
 4 Another category where we had some  
 5 additional spending was in our maintenance of  
 6 our buildings. We, in particular, had some  
 7 security vestibules that we needed to construct  
 8 at four of our schools, and those are not  
 9 inexpensive to construct. So those were added  
 10 in. And we had a few other smaller things that  
 11 we also needed to do in terms of maintenance.  
 12 The good news is that in two categories,  
 13 we had some significant savings.  
 14 First of all, transportation. Since the  
 15 buses weren't running fourth quarter, we  
 16 weren't transporting students, we saved some  
 17 money on fuel and repairs and maintenance and  
 18 also in salaries just because we weren't having  
 19 the field trips and the athletic trips.  
 20 And also in instructional salaries, we had  
 21 some savings. Those were due to Q4 is

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1 typically a time where our teachers do a lot of  
 2 additional professional development and get  
 3 paid stipends for that. And that just wasn't  
 4 happening. We didn't have a need for  
 5 substitutes and we had some vacancies that just  
 6 didn't end up getting filled. So we had some  
 7 savings.  
 8 So what we are asking is to transfer  
 9 425,000 from instructional salaries, 150,000  
 10 from transportation to cover the additional  
 11 \$300,000 in special education and the  
 12 additional \$275,000 in plant.  
 13 MS. PRICE: Got a couple of questions.  
 14 MS. JONES: Sure.  
 15 MS. PRICE: The tuition for the  
 16 out-of-county placements, was that because of  
 17 COVID that you had to send them someplace else?  
 18 DR. GRIFFITH: No.  
 19 MS. PRICE: Had nothing to do with that at  
 20 all?  
 21 DR. GRIFFITH: Nothing to do with that,

Page 82	<p>1 nothing to do with that.</p> <p>2 MS. PRICE: And the same thing with the --</p> <p>3 so the maintenance of plant, did we not know</p> <p>4 that we needed to build these security</p> <p>5 vestibules at the beginning of the budget year?</p> <p>6 How did that come about as a last minute</p> <p>7 add-on?</p> <p>8 MS. JONES: We've known that those were</p> <p>9 going to be needed. We actually had a safety</p> <p>10 audit conducted, and this was a recommendation</p> <p>11 of the safety audit. So that audit happened I</p> <p>12 believe at the beginning of the year but well</p> <p>13 after the approval of the budget.</p> <p>14 DR. GRIFFITH: Correct.</p> <p>15 MS. JONES: Since the budget was approved</p> <p>16 in May of 2018, and the safety audit happened</p> <p>17 well after that.</p> <p>18 DR. GRIFFITH: That is correct, yeah.</p> <p>19 MS. PRICE: So none of those were COVID</p> <p>20 related?</p> <p>21 DR. GRIFFITH: Nothing is COVID related.</p>	Page 84	<p>1 DR. GRIFFITH: Absolutely. We are writing</p> <p>2 grants rapidly.</p> <p>3 MR. PACK: The chair would entertain a</p> <p>4 motion at this time for the transfer of these</p> <p>5 funds to cover the unanticipated expenditures.</p> <p>6 DR. GRIFFITH: Yes.</p> <p>7 MR. DIVILIO: So moved.</p> <p>8 MR. LESHHER: I move for the transfer.</p> <p>9 MR. PACK: Moved by Mr. Divilio. Seconded</p> <p>10 by Mr. Leshher. Any further discussion?</p> <p>11 Hearing none, Madam Secretary, please call</p> <p>12 your roll.</p> <p>13 SECRETARY: Mr. Pack.</p> <p>14 MR. PACK: Aye.</p> <p>15 SECRETARY: Mr. Divilio.</p> <p>16 MR. DIVILIO: Aye.</p> <p>17 SECRETARY: Mr. Callahan.</p> <p>18 MR. CALLAHAN: Aye.</p> <p>19 SECRETARY: Ms. Price.</p> <p>20 MS. PRICE: Aye.</p> <p>21 SECRETARY: Mr. Leshher.</p>
Page 83	<p>1 Except the savings. The savings actually is</p> <p>2 COVID related.</p> <p>3 MS. PRICE: Right.</p> <p>4 DR. GRIFFITH: So the extra expenses</p> <p>5 aren't COVID related, but the savings is</p> <p>6 definitely COVID related.</p> <p>7 MS. PRICE: I was on my MACo meetings and</p> <p>8 I was talking with my friend in Montgomery</p> <p>9 County. We were talking about that, and he had</p> <p>10 a lot of overages. And I was like well, you</p> <p>11 guys need to be submitting for that. Just like</p> <p>12 I was talking in the last segment about</p> <p>13 submitting for those types of expenses. He</p> <p>14 said food, packing up food to go is a lot more</p> <p>15 expensive than the other.</p> <p>16 DR. GRIFFITH: Absolutely.</p> <p>17 MS. PRICE: So I'm sure you've been doing</p> <p>18 a great job with submitting for those</p> <p>19 additional expenses.</p> <p>20 DR. GRIFFITH: Yes.</p> <p>21 MS. PRICE: So I thank you for doing that.</p>	Page 85	<p>1 MR. LESHHER: Aye.</p> <p>2 DR. GRIFFITH: All right. Thank you very</p> <p>3 much.</p> <p>4 MR. PACK: Thank you very much. Good</p> <p>5 seeing you.</p> <p>6 DR. GRIFFITH: Have a good night.</p> <p>7 MR. PACK: Nice meeting you, Ms. Jones.</p> <p>8 Council, next on your agenda, let's see</p> <p>9 here, Martin is here to talk to us about the</p> <p>10 MALPH. This is the Maryland Land Preservation</p> <p>11 Fund and easement application.</p> <p>12 Martin, good to see you, senior planning</p> <p>13 officer for the county.</p> <p>14 MR. SOKOLICH: Good to see you all.</p> <p>15 This is an annual occurrence when we begin</p> <p>16 the cycle again for approving applications for</p> <p>17 selling the development rights off of farmland</p> <p>18 in order to preserve it perpetually.</p> <p>19 And we have a list of 12 applicants for</p> <p>20 this year, the top grant applicants from our</p> <p>21 over 35 applications of people who have been</p>

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<p>1 coming in.</p> <p>2 So this is a process that's been going on</p> <p>3 for 40 years now. MALPH made its first</p> <p>4 seasonal application in 1980 and has been going</p> <p>5 on through this process just about annually for</p> <p>6 the entire time.</p> <p>7 We have preserved a lot of land already in</p> <p>8 the county. And almost every county in the</p> <p>9 State participates in the program, no matter</p> <p>10 how much farmland they have or not. Prince</p> <p>11 George's does a lot better than we do because</p> <p>12 of the level of development there.</p> <p>13 But our list of 12 were put through a</p> <p>14 process that we have been doing for a number of</p> <p>15 years, which look at the number of acres of</p> <p>16 prime farmland in the farm, the location in</p> <p>17 relation to other land that is already</p> <p>18 preserved. Try to create more contiguity, more</p> <p>19 square areas of land that's all preserved and</p> <p>20 will not be developed to make it better for</p> <p>21 agricultural activities to take place. And</p>	<p>1 MR. PACK: Thank you, Martin.</p> <p>2 The chair would entertain a motion to send</p> <p>3 out the MALPH application.</p> <p>4 MS. PRICE: So moved.</p> <p>5 MR. PACK: Moved by Ms. Price.</p> <p>6 MR. LESHER: Second.</p> <p>7 MR. PACK: Seconded by Mr. Leshner. Any</p> <p>8 further discussion on the applications, the</p> <p>9 process?</p> <p>10 MR. LESHER: Just wish we had more funding</p> <p>11 to add to this.</p> <p>12 MR. PACK: I hear you.</p> <p>13 MR. SOKOLICH: Thank you.</p> <p>14 MR. PACK: Any further discussion?</p> <p>15 If not, Madam Secretary, please call your</p> <p>16 roll.</p> <p>17 SECRETARY: Mr. Pack.</p> <p>18 MR. PACK: Aye.</p> <p>19 SECRETARY: Mr. Divilio.</p> <p>20 MR. DIVILIO: Aye.</p> <p>21 SECRETARY: Mr. Callahan.</p>
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<p>1 also some stewardship practices that are</p> <p>2 encouraged on the farm, whether it is simple</p> <p>3 things like planting a cover crop if you're in</p> <p>4 the critical area or taking under some kind of</p> <p>5 water management programs to prevent soil</p> <p>6 losses and other kind of things.</p> <p>7 So we have already taken these</p> <p>8 applications to our Agricultural Preservation</p> <p>9 Advisory Board. And they have made the</p> <p>10 recommendation to the Planning Commission that</p> <p>11 these applications should go forth.</p> <p>12 Planning Commission a few weeks ago, they</p> <p>13 unanimously approved the applications also.</p> <p>14 So we are asking Council today for their</p> <p>15 approval to send the applications off to</p> <p>16 Annapolis for MALPH to begin the process, which</p> <p>17 will start with some property appraisals over</p> <p>18 the winter and making offers next spring on</p> <p>19 some of these properties in order to complete</p> <p>20 that easement process while wrapping up the</p> <p>21 last year and getting ready for the next year.</p>	<p>1 MR. CALLAHAN: Aye.</p> <p>2 SECRETARY: Ms. Price.</p> <p>3 MS. PRICE: Aye.</p> <p>4 SECRETARY: Mr. Leshner.</p> <p>5 MR. LESHER: Aye.</p> <p>6 MR. PACK: Thank you, Martin. Good seeing</p> <p>7 you again.</p> <p>8 MR. SOKOLICH: Thank you.</p> <p>9 MR. PACK: Okay. We're going to now go</p> <p>10 into our public hearing. Council, this is on</p> <p>11 the Resolution 281.</p> <p>12 For those who are listening at home I'm</p> <p>13 going to give you a number and give you some</p> <p>14 instructions if you wish to speak on the</p> <p>15 resolution. The number that you would need to</p> <p>16 dial in to speak is as follows: (855)756-7520.</p> <p>17 And you're going to type in the number 64100</p> <p>18 pound.</p> <p>19 MR. HOLLIS: And that is also on the</p> <p>20 public agenda on (inaudible.)</p> <p>21 MR. PACK: Right. And I've been</p>



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1 instructed by our IT director that after you  
 2 are connected, you want to press zero and wait  
 3 to speak. I guess that's going to take you off  
 4 the mute. So I'll give you that number one  
 5 more time. If you're listening at home and you  
 6 wish to call in on the Resolution 281, we're  
 7 about to start the public hearing. I'll give  
 8 the number one more time. It is (855)756-7520.  
 9 You're going to then dial extension 64100  
 10 pound. Once you are connected, you're then  
 11 going to dial zero.  
 12 Madam Secretary, we're now onto Resolution  
 13 281 for public hearing. Would you please read  
 14 the title of the resolution, please.  
 15 SECRETARY: Resolution Number 281, a  
 16 resolution to amend the Talbot County  
 17 Comprehensive Water and Sewer Plan, the plan,  
 18 to reclassify and remap certain real property  
 19 located in the Town of Trappe, Maryland,  
 20 associated with the Lakeside planned unit  
 21 development, the Lakeside project. Formerly

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1 known as Trappe East. Further described as tax  
 2 map 54, parcel 304, tax map 55, parcels 14, 15,  
 3 17, 19, 44, 65, 83, and 85, and tax map 59,  
 4 parcel four. The total area consisting of  
 5 865 acres, more or less, the property, from S-2  
 6 and W-2, areas where improvements or extensions  
 7 to existing or construction of new community  
 8 multi-use or shared sanitary facilities are  
 9 programmed for progress within three to five  
 10 years, to S-1 and W-1, areas served or to be  
 11 served by community multi-use or shared  
 12 sanitary facilities which are existing, under  
 13 construction, or have immediate priority  
 14 status. To amend the plan to add certain water  
 15 and sewer capital projects related to the  
 16 Lakeside project and existing systems for the  
 17 fiscal years 2020 through 2030. And to amend  
 18 the plan to update the narrative description in  
 19 the plan relative to the Lakeside project and  
 20 existing systems.  
 21 MR. PACK: Thank you very much, Ms. Moran.

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1 Mr. Clarke, before we hear from you, we  
 2 have one amendment on this.  
 3 I'm going to turn it over to  
 4 Mr. Kupersmith, if he doesn't mind. Just you  
 5 want to briefly touch on the amendment in case  
 6 anyone wants to speak on the amendment? I  
 7 think we were just cleaning up some language in  
 8 the resolution itself. There is one amendment.  
 9 Did you want to speak to that? If not, we can  
 10 move on.  
 11 MR. KUPERSMITH: Are you referring to the  
 12 aquaculture?  
 13 MR. PACK: No. I'm talking about 281.  
 14 MR. KUPERSMITH: So are you referring to  
 15 the amendment that Mr. Showalter and Ms. Ryan  
 16 proposed?  
 17 MR. PACK: This amendment was introduced  
 18 by Mr. Callahan, Mr. Divilio. It was  
 19 introduced by Council.  
 20 MS. PRICE: In February.  
 21 MR. KUPERSMITH: It was proposed by the

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1 Town of Trappe, Trappe East Holdings.  
 2 MR. PACK: Yeah.  
 3 MR. KUPERSMITH: So do you want --  
 4 Mr. Showalter is here. Would you like him to  
 5 speak to that?  
 6 MR. PACK: Sure, yes. Mr. Showalter, did  
 7 you want to speak to the amendment?  
 8 I want to make sure that anyone who wants  
 9 to speak either to the amendment or to the  
 10 resolution as it appears has an opportunity to  
 11 do that.  
 12 It looks like a lot of this is just  
 13 cleanup. But if there's anything else that I'm  
 14 missing in the amendment, I just want to give a  
 15 chance for everyone to be on the same page.  
 16 If either of you wish to speak on it. If  
 17 not, I just want to make everyone aware that  
 18 there is an amendment. The amendment is also  
 19 located on the county website.  
 20 SECRETARY: Yes, it is.  
 21 MR. PACK: For persons to go to. Okay. I

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<p>1 just want to make sure everybody is on the same</p> <p>2 playing field.</p> <p>3 So we do have an amendment. The amendment</p> <p>4 is located on the county website. Council does</p> <p>5 have the amendment in front of us.</p> <p>6 Mr. Clarke, I'll turn it over to you,</p> <p>7 Resolution 281.</p> <p>8 MR. CLARKE: Very good. Mr. Pack, just so</p> <p>9 you as well as the general public knows, we</p> <p>10 pretty much started this process about a year</p> <p>11 ago. Through that, I had conversations with</p> <p>12 Maryland Department of the Environment.</p> <p>13 At that time, also communicated with the</p> <p>14 Town of Trappe related to I guess the</p> <p>15 reclassifying the areas within the Town of</p> <p>16 Trappe as S-1 W-1, immediate priority status</p> <p>17 for water and sewer service.</p> <p>18 In discussions with the Maryland</p> <p>19 Department of the Environment, they considered</p> <p>20 everything within the Town of Trappe already</p> <p>21 being immediate priority status for S-1 and</p>	<p>1 In that resolution, everything within the</p> <p>2 town boundaries was going to be reclassified as</p> <p>3 S-1 W-1, the immediate priority status for</p> <p>4 water and sewer service.</p> <p>5 That Resolution 281 was then presented to</p> <p>6 the Public Works Advisory Board as well as the</p> <p>7 Planning Commission on February 5th. There was</p> <p>8 discussions about phasing, phasing of the</p> <p>9 project.</p> <p>10 The project consisted of five phases. The</p> <p>11 first phase or what they call phase 1A was for</p> <p>12 37,500 gallons. And then ultimately each phase</p> <p>13 thereafter would be 100,000 gallons. So there</p> <p>14 would be -- and then phase one was going to I</p> <p>15 guess be 100,000 gallons and then phase two and</p> <p>16 phase three and phase four.</p> <p>17 Through discussions I guess with the</p> <p>18 Planning Commission, there was I think</p> <p>19 discussions about phasing the project.</p> <p>20 I guess the Town of Trappe and the</p> <p>21 developer then went back, proposed what you</p>
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<p>1 W-1. And ultimately, we took exception to</p> <p>2 that. And ultimately, MDE's position was that</p> <p>3 the passage of time, since roughly about 2008</p> <p>4 to today was I guess the time that it took,</p> <p>5 that the current classification of the county</p> <p>6 that was S-2 W-2, which is future planning area</p> <p>7 within three to five years, they felt like it's</p> <p>8 past 12 years, that it's now reclassified to</p> <p>9 S-1 W-1.</p> <p>10 MR. LESHER: That's kind of new to me. Is</p> <p>11 there any provision in law where this change of</p> <p>12 status without legislative action?</p> <p>13 MR. CLARKE: That was the position we've</p> <p>14 taken with MDE, is that we were never given any</p> <p>15 notification as to what that classification</p> <p>16 change.</p> <p>17 Based upon the discussions with MDE, and I</p> <p>18 guess what we've -- through that, ultimately</p> <p>19 we've worked with the county, I guess the Town</p> <p>20 of Trappe as well as the developer, in putting</p> <p>21 forth I guess the Resolution 281.</p>	<p>1 have as amendment one. Amendment one is pretty</p> <p>2 much what we show up here on the screen. More</p> <p>3 or less at that red line, now at that red line,</p> <p>4 everything north of that red line would be</p> <p>5 reclassified at S-1 W-1. Everything south of</p> <p>6 that red line would actually remain as the</p> <p>7 future planning status of three to five years</p> <p>8 for water and sewer service. So that basically</p> <p>9 is what amendment one is all about.</p> <p>10 With that, we then after meeting I guess</p> <p>11 with the Public Works Advisory Board as well as</p> <p>12 the Planning Commission met in February. Which</p> <p>13 as everyone knows, we kind of pretty much went</p> <p>14 into lockdowns in March. And then we started</p> <p>15 up again with the Public Works Advisory Board</p> <p>16 meeting during pretty much a couple of</p> <p>17 Wednesdays as well as Thursdays in the month of</p> <p>18 May.</p> <p>19 And actually at their May 18th meeting,</p> <p>20 the Public Works Advisory Board reviewed</p> <p>21 Resolution 281 as well as the amendment.</p>

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1 During discussions, the Public Works Advisory  
 2 Board basically made a recommendation that the  
 3 County Council vote against amendment number  
 4 one, and that was via a five to zero vote.  
 5 And then ultimately for their  
 6 recommendation for Resolution 281 was 281 would  
 7 be phased with only the first phase, i.e., the  
 8 first phase that consisted of the  
 9 37,500 gallons in the spray irrigation areas,  
 10 that was kind of the first phase right in the  
 11 north portion of the property. So it would be  
 12 phase 1A. Wasn't all of phase one, just phase  
 13 1A.  
 14 And then ultimately the remaining portion  
 15 of the town would be or the proposed  
 16 development will remain as an S-2. And the  
 17 town would have to come in after they've gotten  
 18 to a capacity point requesting the comp water  
 19 and sewer plan be amended to incorporate other  
 20 areas.  
 21 In discussions I think with MDE, MDE's

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1 position has been that anything as far as  
 2 phasing is concerned, if the Town of Trappe is  
 3 okay with that, they're okay with it. So in  
 4 talking with MDE, their position has been that  
 5 if the S-1 W-1 area as identified today with  
 6 basically I guess where red line is located,  
 7 that being acceptable to the Town of Trappe,  
 8 MDE would approve the resolution and that  
 9 amendment.  
 10 Typically what a lot of people need to  
 11 remember is that the action of the County  
 12 Council with the comp water and sewer plan is  
 13 pending approval or possibly pending denial.  
 14 And then ultimately we send those applications  
 15 up to MDE for final approval.  
 16 So typically what ends up happening is  
 17 when you all make any other resolution as well  
 18 as this one, we then submit the information to  
 19 MDE. We then wait for them to review that with  
 20 the Maryland Department of Planning. And then  
 21 they issue a letter that usually goes to

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1 Mr. Pack or the president of the Council  
 2 indicating that that resolution has been  
 3 approved in most cases.  
 4 But from that point, we also I guess at  
 5 the -- we had the Planning Commission also  
 6 meeting on Resolution 281. They went through  
 7 some discussions during the first part of June.  
 8 And then ultimately at their June 10th meeting,  
 9 the Planning Commission presented a motion I  
 10 guess basically finding that amendment one for  
 11 Resolution 281 basically was consistent with  
 12 the Comp Plan and voted three two in favor of  
 13 that motion finding that it was consistent. So  
 14 again, the Planning Commission was finding that  
 15 the amendment one was consistent with the Comp  
 16 Plan.  
 17 MS. PRICE: The Trappe Planning  
 18 Commission?  
 19 MR. CLARKE: No, no. This is the Talbot  
 20 County Planning Commission. And that was on --  
 21 MS. PRICE: So that was a three two vote.

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1 MR. CLARKE: A three two vote, yes. That  
 2 was on December --  
 3 MS. PRICE: I don't know if I ever  
 4 remember a three two vote. I mean there's been  
 5 sometimes when someone is absent and you have a  
 6 single person.  
 7 That to me is really significant. And I  
 8 see we have a couple of members of the Planning  
 9 Commission. So hopefully during the public  
 10 hearing we'll have a chance to hear from them  
 11 as well why there was such division on this.  
 12 MR. CLARKE: And that's just a summary of  
 13 what has happened to date. I'll turn it over  
 14 to you all for the public hearing.  
 15 MR. PACK: Thank you very much,  
 16 Mr. Clarke, for that overview and presentation.  
 17 We're going to go ahead and open up the  
 18 phones. Who is operating the phones tonight?  
 19 Parker is going to do that.  
 20 What I'm going to do first, Parker, is to  
 21 take comment from inside the room and then

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1 we'll go to our callers. Since these persons  
 2 did come out, they might want to give their  
 3 comment and leave. So we don't want to hold  
 4 them up.  
 5 So I'm going to start on my left side of  
 6 the room. When you come to the table, you just  
 7 need to give us your name. We're not asking  
 8 for your address. Just give us your name. And  
 9 then we'll give you three minutes on the clock.  
 10 So just give us your presentation on Resolution  
 11 281 and the amendment that Mr. Clarke has just  
 12 laid out as well.  
 13 So I'll start on the left side of the  
 14 room. Anyone in the first row on 281? Next,  
 15 281? Sir, 281? 281? Other back, 281? Ryan,  
 16 no. Yes.  
 17 MR. SHOWALTER: Mr. Pack, I'd prefer to my  
 18 reserve my time to respond to other comments.  
 19 MR. PACK: Sure. That's fine. Thank you  
 20 for doing that.  
 21 281, Dr. Harris. I'm sorry, Ms. Ghezzi.

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1 MS. GHEZZI: I'll defer.  
 2 MR. PACK: You sure? Okay.  
 3 Ms. Ghezzi, good to see you.  
 4 MS. GHEZZI: Nice to see. Chairman Pack,  
 5 I will take off my mask.  
 6 I wanted to just reiterate a couple of  
 7 points that Mr. Clarke has just mentioned.  
 8 First, the Public Works Advisory  
 9 Commission had voted down this amendment five  
 10 to zero. I think that they have worked the  
 11 most closely with the developer, the legal  
 12 counsel for the developer. And I think that  
 13 their information certainly needs to be taken  
 14 into consideration.  
 15 Second of all, I'd like to bring your  
 16 attention to Mr. Pack's letter to MDE  
 17 requesting MDE to focus in on certain things.  
 18 I don't need to reiterate that letter,  
 19 Mr. Pack, that was written by you on January  
 20 the 17th. But I think that this is a very  
 21 important letter to take into consideration

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1 requesting that MDE, in permitting the  
 2 developer, take these things into  
 3 consideration.  
 4 There were two descending votes on this.  
 5 I was one of those two. And we heard from a  
 6 number of the members of the community. They  
 7 were very loud voices. We heard from members  
 8 of organizations within the community that were  
 9 concerned.  
 10 And myself and one other member pointed  
 11 out six or seven areas where this was  
 12 inconsistent, this amendment would be  
 13 inconsistent. We have not yet our minutes from  
 14 our meetings that you could go back to. We do  
 15 have various videos that were presented or that  
 16 were taken during this time that talked about  
 17 extensive, extensive discussion.  
 18 But when it comes down to it, there were  
 19 several areas of inconsistency pointed out.  
 20 Let me just grab this real quick. That pointed  
 21 out a number of sections of our Comprehensive

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1 Plan. Section 63B, that had an emphasis on  
 2 slopes and sensitive areas. Another area of  
 3 63B, protecting streams and stream buffers.  
 4 Referencing section 2.9 that the regulations  
 5 for designated growth area should support  
 6 orderly expansion of towns by discouraging  
 7 premature development in these areas.  
 8 With over 900 acres of planned growth  
 9 where none has started to date, it is premature  
 10 to develop this most pristine segment for  
 11 further purpose of discarding the effluent in  
 12 particular.  
 13 I'd like to just raise one last piece of  
 14 information that I think is extremely  
 15 important. And that was just before we made  
 16 our final vote, there was a revealing of  
 17 additional information that I've not seen in  
 18 writing. And I would ask that if this proceeds  
 19 and this amendment is voted on by the County  
 20 Council, that the ENR piece of the commitment  
 21 in the amendment be actually confirmed.

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1 My big concern with this proposed  
 2 amendment number one to Resolution 281 and  
 3 language, page seven talks about, the paragraph  
 4 starting with an enhanced nutrient removal  
 5 plan, the developer never makes a commitment to  
 6 how they're handling effluent. What they've  
 7 done is they said that they may do this or they  
 8 may do that.

9 And one of the pieces of information that  
 10 came out just before our vote was that DNR --  
 11 I'm sorry. MDE would reinforce the ENR  
 12 treatment. I think that was particularly  
 13 sensitive in the arguments against this. And  
 14 that I would like to see that if you move  
 15 forward on that, that that be, that commitment  
 16 that was brought out verbally to us by MDE and  
 17 Mr. Showalter actually be there, that it be  
 18 incorporated into this language.

19 I'll be available for any questions maybe  
 20 after the public has a chance to comment.

21 MR. PACK: I will speak to that point

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1 after we go through. Because I'm seeing here  
 2 that they do talk about the NBR nutrient  
 3 removal wastewater treatment plan being  
 4 designed. So that is specified in this on page  
 5 seven.

6 MS. GHEZZI: Well, it says may. That's  
 7 not a commitment to actually --

8 MR. PACK: No. Will be, will be designed.  
 9 The amendment says will be designed.

10 MR. LESHER: There's a difference between  
 11 BNR and ENR.

12 MS. GHEZZI: Startup wastewater treatment  
 13 for Lakeside project may be provided by a  
 14 modular. Maybe I have a different copy,  
 15 Mr. Pack.

16 MR. PACK: Yeah. I'm looking at the  
 17 amendment on page seven. And it says proposed  
 18 NBR ENR, which is the type of plant. And it  
 19 has the wastewater treatment plant will be  
 20 designed. Not may or shall. But will be  
 21 designed.

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1 MS. GHEZZI: Okay.

2 MR. PACK: We can go back to that point.  
 3 I'll just touch bases on that with you.

4 MS. GHEZZI: Okay.

5 MR. PACK: Okay. Thank you very much,  
 6 Ms. Ghezzi.

7 Mr. Harris, Dr. Harris, you're next up,  
 8 please.

9 I know we have some callers I want to get  
 10 to as well.

11 MS. GHEZZI: Sorry.

12 MR. PACK: That's okay. Take your time,  
 13 take your time.

14 Dr. Harris, you've got three minutes on  
 15 the clock. Good to see you.

16 DR. HARRIS: Good to see you. I'm  
 17 Dr. Harris, I'm Steve Harris. Thank you,  
 18 Mr. Pack and Council, members of the Council.  
 19 Thank you for the opportunity to once again  
 20 address our concerns about the development,  
 21 developer's proposals to establish spray fields

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1 for treated effluent at the head of Miles Creek  
 2 and literally abutting the property that my  
 3 wife and I own.

4 You know from the past testimony that we  
 5 are very concerned about the impacts of the  
 6 developer's proposal on our property as well as  
 7 on the entirety of Miles Creek and the Choptank  
 8 River. I will not reiterate the comments we  
 9 have already made that are already part of your  
 10 record. But I just wanted to point out the  
 11 following.

12 The Public Works Advisory Board declined  
 13 to recommend a reclassification of  
 14 approximately 50 percent of the Lakeside  
 15 property to S-1 W-1.

16 Number two, the Planning Commission was  
 17 split on the certification of consistency with  
 18 the Comprehensive Plan, that eventually made  
 19 that certification on a three two vote.

20 And number three, Lynn and I want to be  
 21 constructive. We do not like being

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1 obstructionists.  
 2 For that reason, I'm asking you to  
 3 seriously consider the compromised proposal  
 4 that you received from our attorney and to urge  
 5 the developer to give it a similar serious  
 6 consideration.  
 7 It is not possible and we are asking you  
 8 to deny the developer's request for the S-1 W-1  
 9 designation unless and until the developer  
 10 agrees to relocate the wastewater treatment  
 11 plant and the associated spray field location  
 12 to another portion of Lakeside property.  
 13 Thank you very much.  
 14 MR. PACK: Thank you, Dr. Harris.  
 15 Mr. Councell, you're back there. Good to  
 16 see you. How you doing there, Chip?  
 17 MR. COUNCELL: Very good. Good evening.  
 18 MR. PACK: Full disclosure. You're also a  
 19 member of our Planning Commission and current  
 20 chair.  
 21 MR. COUNCELL: Yes.

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1 MR. PACK: We'll hear from you, sir.  
 2 MR. COUNCELL: Thank you. I don't have  
 3 any prepared statement.  
 4 I came to answer any questions that you  
 5 might have.  
 6 I was one of the Planning Commission  
 7 members that voted in support of this. My  
 8 biggest concern obviously was the water quality  
 9 coming out of the treatment plant.  
 10 Ray Clarke, our county engineer, assured  
 11 us that it was of the quality that he would  
 12 like to see, the best available technology, so  
 13 forth and so on. He could speak to that if you  
 14 so desire. It's in your information, I'm sure.  
 15 That was a deciding factor to me.  
 16 I made the statement that I have family,  
 17 friends, relatives that farm and work in that  
 18 area as well as provide their living on the  
 19 waters of the Choptank. So obviously it was a  
 20 big concern to me.  
 21 But I would like to say, and Mr. Leshner,

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1 you made the statement when Martin spoke about  
 2 you wish you had more money to preserve  
 3 farmland. That is the core of what I believe  
 4 in.  
 5 Trappe, as far as Trappe being a growth  
 6 area, has been talked about since if you go  
 7 back to the Comprehensive Plan rewrite of 1990.  
 8 And I was involved in that. And the  
 9 conversation then came should it be Wye Mills  
 10 or should it be Trappe. And it was determined  
 11 that Trappe was the best area for growth.  
 12 I think the Comprehensive Plans and our  
 13 zoning ordinance going back into the 1970s  
 14 states that growth should occur near existing  
 15 towns where the infrastructure suits that.  
 16 If we're serious about preserving farmland  
 17 in Talbot County, I think this is a step that  
 18 we must take. You're talking about 2,500 homes  
 19 on 600 acres. If we look to other areas of the  
 20 county and put those 2,500 homes, you can just  
 21 imagine how much valuable farmland will be

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1 lost.  
 2 I will leave it at that. And again, I'm  
 3 here for any questions.  
 4 I believe the role of the Planning  
 5 Commission is to have our shot at various  
 6 pieces of legislation, turn it over to you.  
 7 But ultimately, I believe you are the decision  
 8 makers and we make a recommendation and then it  
 9 is up to you.  
 10 MS. PRICE: Before you run away, can I ask  
 11 a question?  
 12 MR. COUNCELL: Sure.  
 13 MS. PRICE: We have ENR where it said in  
 14 the amendment, it does say shall construct.  
 15 But then you talked about best available  
 16 technology. And you're still using spray  
 17 fields.  
 18 So I guess I can either ask you this now  
 19 or wait until the rest of the public hearing,  
 20 because I do have some questions about --  
 21 MR. COUNCELL: Well, I would defer to Ray

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1 Clarke to talk about that.

2 But it's my understanding from our

3 hearings that that water in the spray

4 irrigation field is the best way to do it.

5 However, that water would be clean enough to

6 discharge directly into the stream.

7 And Ray, you're the technical expert. But

8 as I understand it, it's the same or as good a

9 technology as Easton wastewater treatment

10 plant --

11 MS. PRICE: Real quick. The existing

12 plant right now is not ENR. It's. . .

13 MR. CLARKE: It was supposed to be BNR,

14 but they're not complying with BNR standards.

15 MS. PRICE: So we would or would not be

16 using it at all with --

17 MR. CLARKE: The existing plant would not

18 be used at all.

19 MR. PACK: Would not be used at all.

20 MS. PRICE: There's no using the existing

21 plant, okay. Thank you for that clarification.

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1 MR. PACK: Chairman Councell, thank you

2 very much, sir. Appreciate it. Don't leave

3 the room. We might call on you.

4 But now I'm going to turn it over to our

5 callers online. I know we have several callers

6 waiting online.

7 Callers, thank you very much for holding

8 for us. We're in public hearing on Resolution

9 281.

10 Would you please give us your name once

11 you're unmuted. And then you have three

12 minutes on the clock.

13 MR. DURHAM: Our first caller is Woody,

14 and I'll activate him now.

15 MR. PACK: Thank you.

16 MR. LAMBERT: Hello, Council members and

17 staff members. I appreciate you taking my

18 call. My name is Woody Lambert. I live at

19 444 --

20 MR. PACK: We don't need your address,

21 Mr. Lambert.

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1 MR. LAMBERT: -- Road in Trappe. Am I

2 coming through clearly?

3 MR. PACK: Yeah. We don't need your

4 address. That's fine. You're coming through.

5 MR. LAMBERT: Okay. So I followed this

6 process along. I submitted (inaudible). I've

7 spoken at the Planning and Zoning level and the

8 County Council level.

9 I have a lot of serious concerns with what

10 is being proposed. And I think that the three

11 to two vote that was brought up is a very good

12 point. And I think there's some contention

13 there because the technology that they want to

14 use to dispose of this waste is going to be

15 outdated and very soon. And I have a lot of

16 health and safety issues because I don't think

17 it aligns with the Comprehensive Plan either.

18 And it's exacerbated by the whole COVID

19 pandemic.

20 I have serious concerns with the proximity

21 of my house and my neighbors' houses when

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1 they're going to be spraying bacterial aerosols

2 waste on the acreage all near our homes. And

3 I'm afraid that it's going to have health

4 effects on myself and my family and my

5 neighbors and in our drinking waters.

6 There's no monitoring wells between my

7 home and the development where the lagoon and

8 everything is going to be created.

9 I just, as you vote on this tonight, I'd

10 like you to consider my safety and my family's

11 safety with what is being proposed.

12 I think what is being chosen is the least

13 expensive route. And I think there are going

14 to be regrets later on because of choosing this

15 less expensive route. (Inaudible) more thought

16 and more (inaudible) put into it, there would

17 be a better alternative that would be more in

18 line with the Comprehensive Plan and safer for

19 everyone.

20 And if it is passed, if you do pass this,

21 I beg you to watch each step of this and

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1 monitor how things are going with my health and  
 2 my family's health because I don't think there  
 3 are checks and balances in place and I don't  
 4 think that enough foresight has really been put  
 5 into this plan.  
 6 And I appreciate you listening to my  
 7 comments and being there on the front lines  
 8 during the pandemic. I know you're putting  
 9 yourself in harm's way.  
 10 MR. DURHAM: Ten seconds.  
 11 MR. LAMBERT: That's all I have to say.  
 12 MR. PACK: Thank you, Mr. Lambert.  
 13 Next caller, please.  
 14 MR. DURHAM: Our next caller is Robin  
 15 representing the Chesapeake Bay Foundation.  
 16 MR. PACK: We'll give five minutes. Yes,  
 17 caller Robin?  
 18 ROBIN: (Inaudible). This is Robin. Can  
 19 you hear me?  
 20 MR. PACK: We can.  
 21 ROBIN: Okay, great. Thank you for the

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1 opportunity to comment. Again, I'm Robin  
 2 (inaudible) with the Chesapeake Bay Foundation  
 3 (inaudible).  
 4 The Bay Foundation requests the Council  
 5 would amend (inaudible) prior to passage to  
 6 update the (inaudible) plan only to include the  
 7 first of five phases of development. And then  
 8 have the opportunity to consider additional  
 9 updates for each new phase based on currently  
 10 available information.  
 11 I was listening in (inaudible) comments.  
 12 And I couldn't quite determine (inaudible) that  
 13 was (inaudible) comments. I apologize.  
 14 But that is the position of the Bay  
 15 Foundation partly because we see (inaudible)  
 16 gaps. And (inaudible) conflicting data and  
 17 they're creating a particular concern regarding  
 18 (inaudible) of the Lakeside project on water  
 19 quality. That is (inaudible) I'm sure.  
 20 But when applying to the Maryland  
 21 Department of the Environment for discharge

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1 permits, there was really insufficient  
 2 information about how the spray irrigation  
 3 system would work for the department to make a  
 4 finding there would be absolutely zero  
 5 discharge.  
 6 That and the nutrient management plan,  
 7 which we received publicly more recently, the  
 8 developer HAS given data that conflicts with  
 9 the direct permit issued by MDE. The nutrient  
 10 management plan (inaudible) with a (inaudible)  
 11 uptake of on the lowest end 18 pounds per acre  
 12 per year. And (inaudible) requires vegetation  
 13 that would have (inaudible) uptake of 58 pounds  
 14 per acre per year.  
 15 And then finally, the draft discharge  
 16 permit from the Department of Environment  
 17 included an eight-milligram per meter total  
 18 nitrogen (inaudible). And now we have the  
 19 developer stating that they're going to achieve  
 20 (inaudible) per liter total nitrogen, which  
 21 would be applied to (inaudible). But again,

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1 we're just seeing inconsistencies in the  
 2 information presented and some gaps with regard  
 3 to what the effects of that spray irrigation  
 4 method would really be (inaudible) zero  
 5 discharge.  
 6 So for those reasons, we're hoping that  
 7 you will examine those (inaudible), give  
 8 yourself the opportunity to take a phased  
 9 approach by just incorporating the very first  
 10 phase into the plan at this time. And then  
 11 having the opportunity as better data becomes  
 12 available, information becomes available, and  
 13 as the science improves to look at these other  
 14 phases at a later point.  
 15 Thank you for your consideration. I'm  
 16 happy to answer your questions.  
 17 MR. PACK: Thank you very much. Thanks  
 18 for calling in.  
 19 MR. LESHAR: Mr. Pack. I caught, I think  
 20 I caught the gist of the caller, but I missed  
 21 some of the detail. And I wondered if the



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1 caller would be willing to submit that in  
 2 writing as a follow-up just so we don't miss  
 3 that.  
 4 MR. PACK: Caller from the Chesapeake Bay  
 5 Foundation, Robin. We have a request if you  
 6 wouldn't mind submitting your comments in  
 7 writing to Council, we would appreciate it.  
 8 Next caller.  
 9 MR. DURHAM: Those were the only two  
 10 callers we had.  
 11 MR. PACK: Those are the only two callers  
 12 we had. Okay. Wow.  
 13 Mr. Showalter, your name has been invoked  
 14 several times throughout the course of this  
 15 discussion. I'm sure that you have made a few  
 16 things to readdress. So the floor is yours,  
 17 sir.  
 18 MR. SHOWALTER: Thank you, Mr. Pack,  
 19 members of the Council. Ryan Showalter on  
 20 behalf of Trappe East Holdings Business Trust,  
 21 which is the project owner and developer.

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1 This is an amendment to existing  
 2 provisions in the county's comprehensive water  
 3 and sewer plan. In 2002, the county adopted  
 4 amendments to the plan that specifically  
 5 recognized what was then called the Trappe East  
 6 development, now known as the Lakeside  
 7 development. That plan has not been amended  
 8 since 2002.  
 9 So your plan currently contemplates the  
 10 construction of a 540,000-gallon wastewater  
 11 treatment plant that would be disposed of by  
 12 spray irrigation on the exact same lands that  
 13 are the subject of this proposal today. And  
 14 your plan currently calls for that treatment  
 15 plant to be a biologically nutrient removal, or  
 16 BNR, treatment process.  
 17 The technology has evolved since 2002.  
 18 The project size, scope, location, the location  
 19 of discharge, the method of discharge through  
 20 spray irrigation have not changed.  
 21 The Town of Trappe and the developer came

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1 to you with a request for an amendment, and  
 2 that amendment was a proposal to change the  
 3 text and the maps in two ways. And  
 4 principally, the change to the text was to  
 5 update the reference to the technology that's  
 6 proposed to be used.  
 7 So before it talked about, before and  
 8 currently I should say, your plan calls for a  
 9 biolack method of treatment to BNR standards,  
 10 which is that eight milligrams per liter of  
 11 nitrogen.  
 12 The text that is pending before you as  
 13 Resolution 281 as amended specifically requires  
 14 an enhanced nutrient removal, or ENR, level  
 15 treatment plant.  
 16 And I'll address one comment. Ms. Ghezzi  
 17 pointed to some language. I just want to make  
 18 sure everybody is on the same page. On page  
 19 seven of the proposed amendment number one, the  
 20 top, the first full paragraph, the first  
 21 sentence says an enhanced nutrient removal,

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1 ENR, .05 million gallon per day membrane  
 2 bio-reactor. That's the methodology of  
 3 treatment but not the level. Wastewater  
 4 treatment plant and collection system will be  
 5 designed, constructed in phases, and operated  
 6 to serve the Lakeside development.  
 7 The next sentence says the proposed  
 8 membrane bio-reactor ENR wastewater treatment  
 9 plant will be designed such that it can be  
 10 constructed in phases. That is the intent of  
 11 the developer. That was what we proposed and  
 12 requested with the amendment.  
 13 If you look at the green text in the  
 14 middle of that paragraph, there's a sentence  
 15 that says startup. I'm sorry. Startup  
 16 wastewater treatment for the Lakeside project  
 17 may be provided. You could insert the word  
 18 either if you thought it was necessary. May be  
 19 provided by option number one, a modular ENR  
 20 wastewater treatment plant capable of operating  
 21 at the initial flows. Or option number two, by

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1 direct connection to the existing wastewater  
 2 treatment system of Trappe.  
 3 MS. PRICE: That's where my question came  
 4 in.  
 5 MR. SHOWALTER: So that sentence, the word  
 6 may does not suggest that the treatment plant  
 7 may be an ENR level treatment plant. It says  
 8 you may serve this project either using  
 9 existing capacity in the town's plant or the  
 10 ENR plant constructed on this site.  
 11 Subsequent to the introduction of the  
 12 amendment, the Trappe Town Council did vote to  
 13 allocate 120 units of capacity in their  
 14 existing plant to this project. They would  
 15 like to monetize some of that existing  
 16 capacity.  
 17 One of the components of this amendment is  
 18 the town's efforts to begin planning for ENR  
 19 upgrade of their existing treatment plant.  
 20 MR. LESHHER: And that would be completed  
 21 before this project begins?

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1 MR. SHOWALTER: The upgrade of the town's  
 2 existing plant?  
 3 MR. LESHHER: Yes.  
 4 MR. SHOWALTER: No, Mr. Leshher. The town  
 5 is in the middle of completing a PER, a  
 6 preliminary engineering report, for their  
 7 existing plant.  
 8 The new Lakeside plant will be constructed  
 9 at ENR capacity, ENR levels of treatment.  
 10 The town will upgrade its plant  
 11 independent of this project.  
 12 MS. PRICE: Okay. So that's where my  
 13 question came in. And I specifically asked and  
 14 Mr. Clarke said there will be no use of the  
 15 existing Trappe wastewater treatment plant.  
 16 And you just said it could be either the  
 17 ENR that you're going to build in phases or the  
 18 Trappe wastewater treatment plant.  
 19 So which one is it? Who chooses where  
 20 it's getting connected? Because if it's the  
 21 current Trappe plant, it's not up to the

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1 standards that we need it to be up to at this  
 2 time. So which one is it that you're going to  
 3 connect to?  
 4 MR. SHOWALTER: So the first 120 units  
 5 will be connected to the town's plant.  
 6 MS. PRICE: So then why did Mr. Clarke  
 7 just say there would be no use of the existing  
 8 Trappe wastewater treatment plant? The first  
 9 120 units are going right there.  
 10 MR. SHOWALTER: I think, frankly, he just  
 11 forgot.  
 12 MR. CLARKE: And I'll point out, too, if I  
 13 may, is that I could get caught with that  
 14 question as whether or not that was being spray  
 15 irrigated. That would not be spray irrigated.  
 16 That would be to a point source discharge.  
 17 The Trappe East facility will actually,  
 18 what they're proposing, will go through an ENR  
 19 plant, then spray irrigation.  
 20 MR. PACK: Let me just very quickly. The  
 21 current plant in Trappe is currently not

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1 operating, if I remember correctly, is not  
 2 operating at BNR level, correct? Currently not  
 3 there yet?  
 4 MR. SHOWALTER: I don't know the details  
 5 of that. It is permitted and operating, but I  
 6 don't honestly know what its discharge is.  
 7 MR. PACK: Because we were trying to  
 8 assist some homeowners on -- what is the name  
 9 of the street?  
 10 MR. CLARKE: It's Howell Point Road.  
 11 MR. PACK: Howell Point Road. Thank you.  
 12 There were 11 homes there that we were trying  
 13 to connect. Mr. Clarke went out and got some  
 14 money from the Bay Restoration, and we were  
 15 going to go ahead and connect these 11 homes to  
 16 the plant. But then we found out that MDE  
 17 would not allow that because the plant wasn't  
 18 operating at BNR level.  
 19 So I'm kind of concerned how we can put --  
 20 if we couldn't put 11 homes into the plant, how  
 21 can we put 120?

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1 MR. SHOWALTER: The plant has about 250  
 2 EDUs of capacity under its current discharge  
 3 limits.  
 4 And I think, Mr. Pack, I wasn't directly  
 5 involved in the county's discussions on Howell  
 6 Point Road, but I understood it related more to  
 7 using BRF funds and the fact that it wasn't at  
 8 ENR capacity. Maybe I misunderstood that, but  
 9 that was my understanding of the challenge.  
 10 MR. PACK: Again, I don't have it all in  
 11 front of me. But my recollection was it wasn't  
 12 operating at the BNR level, which is the lower  
 13 level from the ENR level. And therefore, the  
 14 State would not allow us to bring those 11  
 15 homes into the plant.  
 16 If it's still not operating at a BNR level  
 17 and it's not going to be, to Ms. Price's  
 18 question, and the plant is not going to be  
 19 improved to ENR, how are you going to bring 120  
 20 homes into a plant that's not operating at BNR  
 21 and can't take 11 properties? Because to my

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1 understanding, those 11 homes on Howell Point  
 2 Road are still not connected.  
 3 So I'm kind of concerned how we're going  
 4 to do that if we have a plant that's not  
 5 operating at the prescribed level currently and  
 6 can't take 11 homes, how will it take 120.  
 7 MS. PRICE: Regardless of whether it's  
 8 using Bay Restoration Funds or not, even if  
 9 Howell Point wasn't in this discussion at all,  
 10 I'm not comfortable bringing 120 homes into a  
 11 plant that's not even operating at BNR levels.  
 12 I mean you've got an or in here. And I  
 13 think it needs to be specific. You need to say  
 14 one way or the other is it going to the  
 15 wastewater treatment plant or is it going to  
 16 be -- are you building your own bio-reactor  
 17 thing that's going to be spray irrigated?  
 18 I'm not going to have a multiple choice in  
 19 legislation that I'm going to vote on.  
 20 MR. SHOWALTER: Okay. So to be clear, our  
 21 plan, the town has 250 units of capacity within

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1 their discharge limits. They could connect 250  
 2 homes within the Town of Trappe to their plant  
 3 today under their permit.  
 4 The Town Council of Trappe has elected to  
 5 reserve about 130 units of capacity for future  
 6 infill, but to allocate 120 units of capacity  
 7 to the first phase of this project.  
 8 MS. PRICE: Just because they can doesn't  
 9 mean they should when it's not operating at a  
 10 clean enough level. Just because they can  
 11 doesn't mean they should. That doesn't mean  
 12 that we need to vote to allow.  
 13 That's what Trappe does, that's what  
 14 Trappe does if we have no say-so over it. But  
 15 if we have a say-so, I don't think it's in the  
 16 best interest to do so.  
 17 MR. SHOWALTER: Okay. But that's the plan  
 18 and the proposal.  
 19 And everything beyond that will be served  
 20 by a new wastewater treatment plant that is  
 21 operating, designed, constructed, and operating

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1 by the developer at ENR levels.  
 2 The current county plan permits MDE to  
 3 issue a permit or the developer to build a  
 4 plant at BNR limits. That's not what we intend  
 5 to do. That's not what we've asked to do. And  
 6 that's why we're here before you requesting an  
 7 amendment to, frankly, make your plan more  
 8 stringent to require an ENR plant.  
 9 MDE has a public hearing, public  
 10 permitting process underway. MDE issued a  
 11 draft permit for the Lakeside plant, and they  
 12 issued a draft permit at BNR limits because  
 13 that's what the county comprehensive water and  
 14 sewer plan requires.  
 15 We went back to the State, like members of  
 16 the public, and said we don't plan to construct  
 17 at BNR limits, we would prefer a permit with  
 18 ENR limits because that's what we intend to  
 19 build.  
 20 My understanding is that MDE's permit will  
 21 be issued with ENR limits.

<p style="text-align: right;">Page 134</p> <p>1 One thing that I think is very important</p> <p>2 to the Council and, frankly, to the public, and</p> <p>3 I don't understand some of the opposition to</p> <p>4 this amendment, this amendment would require an</p> <p>5 ENR permit.</p> <p>6 Right now that's not in your plan.</p> <p>7 So if the county adopts an amendment that</p> <p>8 requires an ENR permit, MDE's wastewater</p> <p>9 discharge permit has to be consistent with the</p> <p>10 county's Comprehensive Plan. So you have the</p> <p>11 ability to ensure that an ENR permit is issued</p> <p>12 by adopting the amendment to require it.</p> <p>13 If you don't, the State could issue a BNR</p> <p>14 permit. That's not a threat because that's not</p> <p>15 what we plan to build, but I think it's -- I'm</p> <p>16 a little confused by the concern about the</p> <p>17 amendment because the amendment requires</p> <p>18 something more stringent than what your plan</p> <p>19 requires today --</p> <p>20 MS. PRICE: Right. But the first 120</p> <p>21 homes is my concern right now. The first ones</p>	<p style="text-align: right;">Page 136</p> <p>1 amendment is that the amendment doesn't, from</p> <p>2 MDE's perspective, from the town's perspective,</p> <p>3 it is essentially a reversion, move backwards</p> <p>4 in terms of phasing.</p> <p>5 The plan adopted in 2002 with respect to</p> <p>6 its maps designated the entirety of this</p> <p>7 project as S-2 W-2, which meant that it was</p> <p>8 intended to be served by public water and sewer</p> <p>9 within the period of 2005 to 2008.</p> <p>10 Twelve to 15 years beyond that is where we</p> <p>11 sit today. Infrastructure hasn't been</p> <p>12 constructed. And from MDE's perspective,</p> <p>13 consistency with the county's comprehensive</p> <p>14 water and sewer plan looks at timing. And so</p> <p>15 when we're 12 years beyond the time frame that</p> <p>16 this was programmed by the county to be served</p> <p>17 by infrastructure, it's determined to be</p> <p>18 consistent with the county's plan.</p> <p>19 Working with the staff, the suggestion of</p> <p>20 the Council early when this was introduced, and</p> <p>21 then also comments by the Planning Commission,</p>
<p style="text-align: right;">Page 135</p> <p>1 that are going in, and I don't think that it</p> <p>2 should be connected to the current plant at the</p> <p>3 levels that it is right now.</p> <p>4 So is the developer able to do something</p> <p>5 different other than connect to the subpar BNR</p> <p>6 plant?</p> <p>7 MR. SHOWALTER: I mean, frankly, the idea</p> <p>8 for connection and using existing capacity came</p> <p>9 from there were comments by the public who had</p> <p>10 a strong preference not to have spray</p> <p>11 irrigation discharge at an ENR plant and wanted</p> <p>12 to see the wastewater be treated by the town's</p> <p>13 plant.</p> <p>14 MS. PRICE: Right.</p> <p>15 MR. SHOWALTER: And that's what caused us</p> <p>16 to go back and look at that.</p> <p>17 MS. PRICE: Trappe plant needs to be</p> <p>18 upgraded. So maybe the developer needs to bear</p> <p>19 some of the cost of upgrading that plant.</p> <p>20 MR. SHOWALTER: So the other component</p> <p>21 that I think is important to understand in this</p>	<p style="text-align: right;">Page 137</p> <p>1 we proposed a phasing that would essentially</p> <p>2 split the number of developable units. The</p> <p>3 land area is slightly different because the</p> <p>4 first section of the S-1 section includes all</p> <p>5 of the land designated for spray irrigation and</p> <p>6 a large 30 or 40-acre lake with associated open</p> <p>7 space. So it's more than half of the land</p> <p>8 area. It's about half of the developable area.</p> <p>9 And that's proposed to be S-1 W-1, which</p> <p>10 retains the current timing or phasing that's</p> <p>11 recognized by MDE.</p> <p>12 The southern half of the project would be</p> <p>13 moved backwards to S-2 W-2, which would mean</p> <p>14 it's not available for service by</p> <p>15 infrastructure until three to five years from</p> <p>16 2020, from the date of its adoption, unless</p> <p>17 another amendment comes forward to the County</p> <p>18 Council.</p> <p>19 MR. PACK: And as I shared with you</p> <p>20 earlier, the amendment, I support it. I</p> <p>21 supported it during introduction.</p>

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1 But I do have to share Ms. Price's concern  
 2 regarding the existing plant.  
 3 I remember several conversations with the  
 4 Town of Trappe manager, with the Town of Trappe  
 5 attorney, and with the president of the Trappe  
 6 Council regarding the condition of their plant.  
 7 And I remember very clearly in speaking with  
 8 them in relationship to the possibility of  
 9 connecting some properties in Ferry Point into  
 10 the plant, that the plant was not operating at  
 11 the level that it should be operating at.  
 12 Secondly, because the way their charter is  
 13 written, those properties would have to be  
 14 annexed in. And that created a whole nother  
 15 issue.  
 16 But I would like to get some clarification  
 17 on the existing wastewater treatment plant. I  
 18 mean its capacity aside.  
 19 Again, we tried to work with them on those  
 20 11 properties at Howell Point Road because  
 21 these properties have failing septic system,

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1 they became a health issue. And we had the  
 2 funding available, Ryan. We just could not get  
 3 MDE or the State to sign off on us connecting  
 4 those homes.  
 5 And so I'm concerned, and I would like to  
 6 see some type of certification from MDE saying  
 7 that the plant is operating at the current BNR  
 8 level for its discharge and that it can accept  
 9 more homes into that plant. Of course, if  
 10 that's the case, I mean we need to get these 11  
 11 properties on Howell Point Road connected  
 12 because that's a health issue right now. And  
 13 they're pumping and hauling some of those  
 14 homes, and that's a concern to me as well.  
 15 So if we can just get something from the  
 16 town just saying that the plant is operating at  
 17 BNR level, that it can take these proposed  
 18 homes in, and maybe we come back to the table  
 19 with them.  
 20 I know Howell Point is a separate issue.  
 21 I'm sorry to be bringing that in. But you just

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1 heard us operating as the county Board of  
 2 Health. And that is a health issue down there  
 3 that if we can address that through connection  
 4 into that plant, if it is operating at BNR  
 5 level, I would like to do that.  
 6 It is a separate issue, but if we can just  
 7 get something in writing saying that it is  
 8 operating at BNR level, that would make me a  
 9 bit comfortable.  
 10 MR. SHOWALTER: Certainly, Mr. Pack and  
 11 Mr. Price. I understand the question. I'm not  
 12 trying to evade it. I just don't have the  
 13 answer as I sit here today. But we'll work to  
 14 make sure you get it.  
 15 I assume you're going to leave the record  
 16 open after this evening. So we'll make sure  
 17 that we address that in writing.  
 18 MR. CALLAHAN: Can I ask you one thing?  
 19 So what is the possibility of the developer  
 20 just building a plant now?  
 21 MR. SHOWALTER: That is certainly

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1 possible. That's what this originally  
 2 contemplated.  
 3 And the way the permitting is structured  
 4 and the construction is contemplated is that  
 5 the plant is a 540,000-gallon per day plant.  
 6 It's intended to serve only the east side of  
 7 Route 50, the Lakeside project.  
 8 And one of the challenges with any new  
 9 wastewater construction is it requires the  
 10 biology that eats the waste and processes the  
 11 water. You have to have a certain critical  
 12 volume to support microbial populations.  
 13 So what the plan initially was for  
 14 construction is to bring in 37 and a half or  
 15 40,000-gallon, essentially a package plant, a  
 16 small plant. And that plant could operate at  
 17 about ten percent of its capacity. So a  
 18 relatively small number of homes could provide  
 19 enough flow to generate the biology needed for  
 20 the plant to operate.  
 21 That plant would run until it gets up to

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1 about 80 percent of capacity. And then that  
 2 flow would be diverted into the first  
 3 100,000-gallon phase. And there would be  
 4 enough critical mass or volume to run the first  
 5 train of the real permitted treatment plant.  
 6 That initial plant would then be used to  
 7 process sludge. It would be repurposed as part  
 8 of the project.  
 9 One of the benefits, there are multiple  
 10 benefits in using existing capacity in the town  
 11 plant. One is the town has capacity and the  
 12 Town of Trappe paid for BNR upgrades before  
 13 there were Bay Restoration Funds available. So  
 14 unlike most towns around the State that did it  
 15 when there were funds available at the State's  
 16 initiative, the town did so before those funds  
 17 were available.  
 18 So the town citizens borrowed a lot more  
 19 money than many other similarly sized towns for  
 20 their upgrades. They're still paying for those  
 21 upgrades today, and they have 250 EDUs of

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1 capacity that, if users were connected, they  
 2 would be generating user fees to help pay the  
 3 debt.  
 4 So putting that available capacity,  
 5 assuming it's available and MDE confirms it can  
 6 be used, putting it to use generates capital  
 7 charges and user fees to help the town retire  
 8 its debt and move to ENR upgrade for its plant.  
 9 The second thing it does is it generates  
 10 120 EDUs of flow that can be treated by a plant  
 11 and then be available to divert to seed or feed  
 12 the biology of a new plant. So instead of  
 13 having a temporary small one, it makes the  
 14 logistics much more efficient.  
 15 MS. PRICE: So why not put all the money  
 16 just into upgrade that and not do all this  
 17 other spray irrigation and all that? Why not  
 18 just everybody work together, Town of Trappe,  
 19 the Lakeside developers, and upgrade that thing  
 20 to an ENR plant and have it all go through  
 21 there, which is going to be way better than any

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1 other type of discharge?  
 2 MR. SHOWALTER: Actually I'm extremely  
 3 sincere in this belief and also my discussions  
 4 with many people involved in wastewater  
 5 treatment. And I think Mr. Clarke shares this  
 6 assessment, but I'll let him speak for himself.  
 7 We believe that spray irrigation is the best,  
 8 state-of-the-art treatment --  
 9 MS. PRICE: Some of the neighbors don't --  
 10 MR. SHOWALTER: I understand. And people  
 11 can have concerns, people can be opposed,  
 12 people cannot want to see growth, people can  
 13 not want to see discharge.  
 14 But if you look at it objectively, the  
 15 Town of Easton's wastewater treatment plant, as  
 16 Mr. Leshner I'm sure knows, is an ENR quality  
 17 treatment plant and it has a pipe that goes in  
 18 the Choptank River just south of the Dover  
 19 Bridge. And they discharge all of their  
 20 wastewater at ENR levels, three milligrams per  
 21 liter of nitrogen directly into the river.

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1 This plant will treat to the same level,  
 2 ENR quality. It will have UV disinfection. It  
 3 will do all of the same type of -- different  
 4 technology. The same level of treatment, the  
 5 same quality of effluent. And instead of  
 6 putting it into a stream, it's going to be  
 7 sprayed onto a farm field.  
 8 And the MDE guidelines permit that  
 9 discharge to occur within 100 feet of a water  
 10 intake, a water source. They permit that spray  
 11 to occur within 50 feet of a playground. So  
 12 MDE, which is responsible for issuing the  
 13 discharge permits, has limits for this type of  
 14 technology and has said you can spray this  
 15 within 50 feet of a playground at this level of  
 16 treatment.  
 17 We're spraying it onto a farm field.  
 18 There won't be human contact at the farm field,  
 19 but there could be. And that water will  
 20 infiltrate through the soil. The plants will  
 21 uptake nutrients, the microbes, and the soil

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1 will deal with it. It recharges ground water  
 2 before it gets to the water.  
 3 There was one comment by the public that  
 4 this is a, I don't know, the least expensive  
 5 alternative. But a suggestion that this was a  
 6 less expensive route.  
 7 And I would submit it's the opposite.  
 8 This is the most costly way to do wastewater  
 9 treatment. And we believe it's the right way,  
 10 which is way it's what this project proposes.  
 11 The least costly way to manage the  
 12 wastewater probably would be an ENR plant with  
 13 a direct discharge to the stream. Another  
 14 similarly-costed option would be to keep what  
 15 the county plant currently calls for today,  
 16 which is a BNR level of treatment, and spray  
 17 irrigation.  
 18 What we're proposing is to treat it to the  
 19 level that it could be directly discharged into  
 20 the stream and then spend millions of dollars  
 21 in storage lagoons and spray irrigation

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1 equipment to apply it to the farm fields.  
 2 MR. PACK: I absolutely agree.  
 3 We have on the line with us now from the  
 4 Town of Trappe, their town attorney, Ms. Ryan.  
 5 Ms. Lyndsey Ryan is with us.  
 6 Do you have her there, Parker? Why don't  
 7 you bring her online please?  
 8 MR. DURHAM: Lyndsey Ryan is live.  
 9 MR. PACK: Ms. Ryan, good evening. How --  
 10 MS. RYAN: (Inaudible) Lyndsey Ryan on  
 11 behalf of the Town of Trappe. I just wanted to  
 12 clarify some of the matters. It was a little  
 13 hard to hear. So sorry if I misheard anything.  
 14 First, I just wanted to go back to the  
 15 Howell Point project. MDE did not say that  
 16 they were not (inaudible) town was not allowed  
 17 to connect those properties to the existing  
 18 wastewater treatment plant.  
 19 What happened was 11 property owners came  
 20 to the Town of Trappe and to Talbot County with  
 21 failing septic. And the Town of Trappe and

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1 Talbot County tried to work together to find  
 2 (inaudible) to provide sewer to those  
 3 properties at any cost-effective manner.  
 4 Talbot County had some leftover BFR funds  
 5 that they were willing to use to connect these  
 6 properties to the Town of Trappe.  
 7 After going through the process of design,  
 8 the town was notified from MDE that they  
 9 couldn't specifically use the BRF funds to  
 10 connect those properties to the existing plant  
 11 because it wasn't treating to BNR levels.  
 12 Those properties are still trying to  
 13 connect to the Town of Trappe. The only issue  
 14 there is the financial responsibility of the  
 15 property owners to pay for that connection.  
 16 So I just wanted to clarify that it's not  
 17 because they're out of compliance of a  
 18 discharge permit or any MDE regulation. It was  
 19 specifically related to use of the BRF funds.  
 20 MR. PACK: Lyndsey, let me stop you right  
 21 there.

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1 If the plant was discharging at BNR  
 2 levels, could they have used the BRF funds?  
 3 MS. RYAN: Yes.  
 4 MR. PACK: So that's all I said in my  
 5 statement that the plant --  
 6 MS. RYAN: -- operating -- you have to  
 7 operate at BNR or ENR levels in order to  
 8 utilize BRF funds.  
 9 MR. PACK: So the plant --  
 10 MS. RYAN: The Town of Trappe is not  
 11 achieving BNR, but they are within permit.  
 12 They are not expected to treat to BNR or ENR  
 13 based on when the plant was constructed.  
 14 They are undergoing a process right now  
 15 (inaudible) that PER and are submitting this to  
 16 MDE for funding for the upgrade of the existing  
 17 wastewater treatment plant to ENR.  
 18 MR. PACK: So let me --  
 19 MS. RYAN: There is also --  
 20 MR. PACK: Lyndsey, let me ask you another  
 21 question on that. Aside from the BRF funding,

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1 if these homeowners had the financial  
 2 wherewithal to connect using private funds,  
 3 would they be allowed to do that knowing that  
 4 the plant was not operating at BNR levels?  
 5 MS. RYAN: Yes.  
 6 MR. PACK: It would be?  
 7 MS. RYAN: The Town of Trappe has plenty  
 8 of existing capacity. As long as the  
 9 properties are within town limits and they are  
 10 willing to pay the applicable fees, then they  
 11 can connect to the existing plant. There  
 12 are -- it's a 200-gallon per day plant. There  
 13 is approximately 100,000 gallons available. So  
 14 as long as there's the capacity, they can  
 15 connect.  
 16 MR. PACK: Okay. So BRF was saying that  
 17 they weren't going to let them use the BRF  
 18 funds because the plant was not operating at  
 19 BNR levels.  
 20 But you're saying if they came through  
 21 another funding source, they could connect?

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1 MS. RYAN: Absolutely.  
 2 MS. PRICE: Would they also have to annex  
 3 into the Town of Trappe and pay the Trappe  
 4 taxes?  
 5 MS. RYAN: The properties that have the  
 6 failing septic are within the town limits.  
 7 So we are working with those property  
 8 owners right now to figure out a financial way  
 9 that they can connect into the existing plant.  
 10 MS. PRICE: Okay. So they're already in  
 11 the town.  
 12 MR. PACK: So you answered my question  
 13 regarding the additional 120 homes. So you're  
 14 saying that the State will allow these 120  
 15 homes to connect knowing that the plant is not  
 16 operating at BNR levels?  
 17 MS. RYAN: Yes. Because they are  
 18 upgrading within their permitted limits.  
 19 MR. PACK: But they're not operating at  
 20 the BNR level?  
 21 MR. SHOWALTER: So Mr. Pack --

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1 MS. RYAN: Correct. That is not a  
 2 requirement of that permit.  
 3 MR. SHOWALTER: That's right.  
 4 MR. PACK: Okay.  
 5 MR. SHOWALTER: The plant is operating  
 6 within its MDE discharge permit. To my  
 7 knowledge, the plant doesn't have violations.  
 8 It's not exceeding its discharge.  
 9 MS. RYAN: It does not have any permit  
 10 violations.  
 11 MR. PACK: So at what level is the plant?  
 12 If it's not BNR, at what level is the current  
 13 plant?  
 14 MS. RYAN: The current plant is achieving  
 15 23 milligrams per liter of phosphorus. At the  
 16 time that it was upgraded, there wasn't BNR or  
 17 ENR. So it was done in the early 2000s.  
 18 I don't have the actual permit in front of  
 19 me, but that's something I can provide to you  
 20 all.  
 21 MR. PACK: Okay. She's answered my

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1 question. That's fine.  
 2 Anything more Lyndsey, I'm sorry?  
 3 MS. RYAN: I'm sorry, what was that?  
 4 MR. PACK: I said anything further?  
 5 MS. RYAN: No. I just wanted to clarify  
 6 BRF funds for the BNR. Unless you all have any  
 7 other questions, that's it for me.  
 8 MR. PACK: Thank you. Okay.  
 9 MS. RYAN: Thank you, all.  
 10 MR. PACK: Well, Council, what I'm going  
 11 to ask that we do is we hold this matter over  
 12 to our next meeting for final vote.  
 13 Ms. Ryan did answer my particular  
 14 question, which was how we're going to connect  
 15 120 homes to a plant that's out of BNR, that's  
 16 not operating at BNR level. But if it's  
 17 operating at a lower level, which is consistent  
 18 with its operating permit from the State, and  
 19 the State is going to allow the 120 homes to be  
 20 connected, then that answers my question.  
 21 But if we could just hold this off for our



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1 next meeting, which is the 28th, Madam  
 2 Secretary?  
 3 SECRETARY: Yes, that's correct.  
 4 MR. LESHAR: That's a crowded agenda. Are  
 5 we sure we want to load this into the 28th?  
 6 MR. PACK: We can go back to the 11th.  
 7 MR. SHOWALTER: That would be fine.  
 8 MR. PACK: The 11th is fine. So let's  
 9 push this back to the 11th for vote. That way  
 10 if anyone -- I know you requested the caller to  
 11 submit her comments to you in writing, the one  
 12 caller. So to make sure we get all that in  
 13 hand as well.  
 14 So we're going to put this back on for the  
 15 August 11th agenda for final vote of Council on  
 16 Resolution 280.  
 17 Yes, Mr. Kupersmith.  
 18 MR. KUPERSMITH: Mr. Pack, regarding the  
 19 written comments, is there a deadline for the  
 20 submission of written comments?  
 21 MR. PACK: We can leave it open until this

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1 Friday. To this Friday, we'll leave it open to  
 2 this Friday. Okay.  
 3 Thank you, everyone, that came in and gave  
 4 testimony; Dr. Harris, Mr. Councill,  
 5 Ms. Ghezzi. And the callers on the phone,  
 6 thank you very much. We appreciate it. We're  
 7 going to pick this back up on August the 11th  
 8 for Council vote.  
 9 Council, you now have several items which  
 10 are eligible for vote. And many of these items  
 11 are time sensitive. So we will have to take  
 12 action on them this evening.  
 13 Madam Secretary, when you are ready, we're  
 14 going to start with 285 if you don't mind.  
 15 SECRETARY: Resolution Number 285, a  
 16 resolution to place a question on the ballot at  
 17 the November 2020 general election to add a  
 18 section to the Talbot County Charter to allow  
 19 the County Council to waive residency  
 20 requirements for certain employees.  
 21 MR. PACK: Comment, Council?

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1 MR. LESHAR: I've received no public input  
 2 on this. And I don't think we've heard  
 3 (inaudible) the public hearing on it, either.  
 4 MR. PACK: This is not a numbered  
 5 resolution. So it doesn't -- did we have a  
 6 public hearing on this? Let me step back one.  
 7 SECRETARY: Yeah, we had a public hearing  
 8 on this.  
 9 MR. PACK: We did have a public hearing on  
 10 this?  
 11 SECRETARY: Yes.  
 12 MR. PACK: As a numbered resolution. We  
 13 did. I'm sorry.  
 14 SECRETARY: This is a Charter amendment.  
 15 And if you decide to approve it, it needs to be  
 16 certified by the State by July 31st I believe.  
 17 MR. PACK: Thank you. Any comment on the  
 18 matter? We do have to have this back into the  
 19 State later this month on the 31st.  
 20 We did have a public hearing on this. I  
 21 just wanted to make sure that I was correct on

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1 that.  
 2 MS. PRICE: We didn't get any comments at  
 3 the public hearing. We've had just one letter.  
 4 Is that the only one, Ms. Moran?  
 5 SECRETARY: It was received today.  
 6 MS. PRICE: You know, it's obviously  
 7 important that we have our county manager live  
 8 in the county.  
 9 And it is something that's certainly  
 10 preferable. But sometimes we're limited in  
 11 the candidates. And sometimes they have other  
 12 family members that might be someplace else and  
 13 it doesn't necessarily work for them. There  
 14 have been situations where they might have to  
 15 care for another family member that doesn't  
 16 live there.  
 17 And I would certainly rather have the best  
 18 person for the job, as long as they're not too  
 19 far away. I don't think that it takes away  
 20 from your ability to do the job. I think that  
 21 all of our department heads, whether they live

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1 here or not, our department heads are required  
 2 to live here, are completely 100 percent  
 3 invested in Talbot County.  
 4 Not really sure why the Charter was  
 5 written this way. I don't know what year the  
 6 Charter was written. It might have been  
 7 written in a day and time when people were  
 8 much -- not as mobile as they are now. And  
 9 people have the ability to go someplace else.  
 10 We're competing with other jurisdictions.  
 11 And I certainly, I'm going to support putting  
 12 this on the ballot. And it is for the people  
 13 to decide, but I do think that is it  
 14 appropriate to at least put it on the ballot  
 15 for you all to decide.  
 16 We will give you our feedback. Any  
 17 questions that you all want answered about the  
 18 department heads and more, the higher level  
 19 ones who are currently required to live in the  
 20 county, what our reasons are.  
 21 It's hard to find good people. And we

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1 want to keep them. And when they can go  
 2 someplace else maybe and make more money,  
 3 giving them the ability to have some  
 4 flexibility in where they live, to think about  
 5 their families, not just themselves, I  
 6 certainly am supportive of putting this on the  
 7 ballot.  
 8 And hoping you guys will ask some  
 9 questions about this over the next few months.  
 10 There's probably going to be quite a few things  
 11 on the ballot. It's going to be jam-packed,  
 12 along with the presidential election.  
 13 But I hope that people will give this some  
 14 serious consideration, that sometimes times  
 15 change and we need to adjust with the times as  
 16 well.  
 17 So I will be in favor of at least putting  
 18 this on the ballot for the citizens to decide.  
 19 MR. DIVILIO: So Mr. Pack, I'm in favor of  
 20 this residency waiver. It takes a super  
 21 majority to pass it, for the Council to allow

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1 residential waiver.  
 2 Things happen. Wives get a job in a  
 3 different state, buys a house, and people have  
 4 to transition there. Sometimes it takes more  
 5 than a year to sell a house. Sometimes a  
 6 mother might fall and become disabled and you  
 7 got to go take care of your mom, or you should.  
 8 There are times when it's important to  
 9 keep good staff. And this allows us the  
 10 flexibility to do that with a super majority  
 11 vote.  
 12 MS. PRICE: That's a good point. What  
 13 people don't know is it takes four-fifths of us  
 14 to decide whether or not we're going to waive  
 15 the residency. So it's not automatic.  
 16 MR. DIVILIO: Right.  
 17 MS. PRICE: So as we hire each --  
 18 MR. PACK: This is just it takes  
 19 four-fifths to put it on the ballot. It's up  
 20 to the citizens to decide whether or not it's  
 21 done.

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1 MS. PRICE: No. Read it.  
 2 MR. DIVILIO: In order to provide the  
 3 residency waiver, the Council would have to by  
 4 a super majority.  
 5 MS. PRICE: Right. So it's not automatic.  
 6 It's the county attorney, the county engineer,  
 7 and the county planning officer. So it's still  
 8 in there. But if four-fifths of the Council  
 9 then decide that it is in the best interest of  
 10 the county, we can then waive --  
 11 MR. PACK: Okay. You're right. I'm  
 12 sorry. You're right.  
 13 MR. LESHER: Mr. Pack, I misspoke on this.  
 14 We did have the public hearing.  
 15 MR. PACK: Yes, we did.  
 16 MR. LESHER: And I, too, am supportive of  
 17 this. And I think it comes down to do we want  
 18 the ability to hire the best possible, the best  
 19 qualified person for the job or do we want  
 20 to -- (inaudible) requirements as well.  
 21 I think it will serve the interests of

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1 Talbot County if we can waive that residency  
 2 requirement.  
 3 MR. PACK: Okay. If there's no further --  
 4 and I do share what my colleagues just pointed  
 5 out.  
 6 This was placed in some time ago regarding  
 7 residency. Perhaps that prior Council or past  
 8 Council wanted to have persons have some  
 9 connection with the community, but things  
 10 happen. You could have family members who are  
 11 sick or not in very good health and you have to  
 12 be close by to take care of them. So things,  
 13 they do pop up.  
 14 But you want to make sure that you allow  
 15 yourself to have the flexibility of selecting  
 16 the best qualified candidates. And residency  
 17 for these two positions should not be hampering  
 18 you from doing that.  
 19 MR. DIVILIO: Can I follow up with one  
 20 point on that? Sorry.  
 21 So we have a tax cap in the county, if you

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1 didn't know. We pay pretty much everybody less  
 2 than all the surrounding counties. It comes up  
 3 in most budget discussions.  
 4 So when you find somebody good, you want  
 5 to keep them, especially if you're not able to  
 6 pay them anymore because of the tax cap and  
 7 the other counties around are chomping at the  
 8 bit to hire them away and give them more money.  
 9 I think that needs to be stated as well.  
 10 MR. PACK: Very well put, Mr. Divilio.  
 11 If there's no further comment, Madam  
 12 Secretary, I will call the vote of Council on  
 13 Resolution 285.  
 14 SECRETARY: Mr. Pack.  
 15 MR. PACK: Aye.  
 16 SECRETARY: Mr. Divilio.  
 17 MR. DIVILIO: Aye.  
 18 SECRETARY: Mr. Callahan.  
 19 MR. CALLAHAN: Aye.  
 20 SECRETARY: Ms. Price.  
 21 MS. PRICE: Aye.

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1 SECRETARY: Mr. Leshar.  
 2 MR. LESHAR: Aye.  
 3 MR. PACK: 285 moves onto a ballot  
 4 question. Thank you very much, Council.  
 5 We're going to move onto our next  
 6 resolution, which is 286. This is also a  
 7 numbered resolution. It did have a public  
 8 hearing as well.  
 9 SECRETARY: Resolution Number 286, a  
 10 resolution to place a question on the ballot at  
 11 the November 2020 general election to amend  
 12 section 614 of the Talbot County Charter, to  
 13 clarify that the constant yield tax rate  
 14 certification prepared by the Maryland  
 15 Department of Assessments and Taxation should  
 16 be used to identify properties included on the  
 17 tax rolls.  
 18 MR. PACK: Thank you very much.  
 19 The chair is open to any comment on 286.  
 20 MS. PRICE: So this one is really just  
 21 cleanup language.

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1 When we had a ballot question two years  
 2 ago, there were three parts to the question.  
 3 And I think if anybody got hung up on one  
 4 particular section, then they just got confused  
 5 and they voted the whole thing down.  
 6 So you'll see two more that we're going to  
 7 discuss. But this one is literally just  
 8 cleanup language. I know Ms. Lane could do a  
 9 better job explaining it than I. But it has to  
 10 do with when we get our assessments from the  
 11 comptroller's office, and there's just really  
 12 no way to do it the way the charter actually  
 13 states because we don't have the data.  
 14 So this one doesn't really change anything  
 15 other than just cleaning up the language. It's  
 16 just kind of a legal cleanup. So I think this  
 17 is one that we need to clean up legally.  
 18 MR. PACK: Any other comment?  
 19 Hearing none, Madam Secretary, on  
 20 Resolution 286, please call your roll.  
 21 SECRETARY: Mr. Pack.

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1 MR. PACK: Aye.  
 2 SECRETARY: Mr. Divilio.  
 3 MR. DIVILIO: Aye.  
 4 SECRETARY: Mr. Callahan.  
 5 MR. CALLAHAN: Aye.  
 6 SECRETARY: Ms. Price.  
 7 MS. PRICE: Aye.  
 8 SECRETARY: Mr. Leshner.  
 9 MR. LESHER: Aye.  
 10 MR. PACK: Resolution 286 passes to go  
 11 forth for a ballot question.  
 12 And the next matter is 287.  
 13 SECRETARY: Resolution Number 287, a  
 14 resolution to place a question on the ballot at  
 15 the November 2020 general election to amend  
 16 section 614 of the Talbot County Charter so  
 17 that consumer price index urban, CPIU, a  
 18 measure intended to track the cost of goods in  
 19 urban, not rural, settings is no longer used in  
 20 calculating the cap on revenues derived from  
 21 real property taxes in Talbot County.

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1 MR. PACK: Thank you very much, Madam  
 2 Secretary.  
 3 I will just chime in on this one. This  
 4 was one that the committee that we put together  
 5 to look at these ballot questions did a very  
 6 good job at pulling this out and realizing that  
 7 the consumer price index urban indicator was  
 8 not appropriate for Talbot County. We  
 9 certainly are not an urban area, and having  
 10 that indication on us was inappropriate.  
 11 So I really want to applaud the committee  
 12 for addressing this and pulling that language  
 13 out to be used as how we go about collecting  
 14 taxes here, property taxes here in the county,  
 15 using that as a point of reference.  
 16 So I know Ms. Lane is not here, at least I  
 17 don't see her here. She did chair that  
 18 committee, and I just want to note that they  
 19 did make that recommendation to Council.  
 20 MS. PRICE: Right. And this one also was  
 21 part of the three-part question two years ago.

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1 And it currently reads basically CPIU or  
 2 two percent, whichever is less. And there were  
 3 certainly times when it was much less than  
 4 two percent. Sometimes we were only getting .8  
 5 or .9 percent. And as Mr. Pack said, it's just  
 6 really not applicable to a rural county.  
 7 So again, we're trying to separate these  
 8 so that they're more understandable on the  
 9 ballot this year.  
 10 MR. PACK: Any further comment?  
 11 Hearing none, Madam Secretary, on 287.  
 12 SECRETARY: Mr. Pack.  
 13 MR. PACK: Aye.  
 14 SECRETARY: Mr. Divilio.  
 15 MR. DIVILIO: Aye.  
 16 SECRETARY: Mr. Callahan.  
 17 MR. CALLAHAN: Aye.  
 18 SECRETARY: Ms. Price.  
 19 MS. PRICE: Aye.  
 20 SECRETARY: Mr. Leshner.  
 21 MR. LESHER: Aye.

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1 MR. PACK: The next matter -- so 287 does  
 2 pass for a ballot question.  
 3 The next one is 288.  
 4 SECRETARY: Resolution Number 288, a  
 5 resolution to place a question on the ballot at  
 6 the November 2020 general election to amend  
 7 section 614 of the Talbot County Charter to  
 8 allow, but not require, the County Council to  
 9 add up to one cent per \$100 of assessed value  
 10 above the revenue cap for no more than five  
 11 years beginning July 1, 2021.  
 12 MR. PACK: Thank you very much.  
 13 And this, again, came out of the property  
 14 tax committee that was chaired by Ms. Lane.  
 15 That committee was made up of diverse members  
 16 of this community. The sheriff was on that  
 17 committee as well as Dr. Salmon and many other  
 18 individuals from the town as well as from the  
 19 county government. I wouldn't say county  
 20 government other than Ms. Lane chairing the  
 21 committee.

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1 But they did a good job of trying to  
 2 figure out a way to address the property tax  
 3 shortage that Talbot County has been repeatedly  
 4 running up against. This is one way that the  
 5 committee offered to do it. I certainly  
 6 support it. And again, I want to give them my  
 7 appreciation for all their hard work.  
 8 And there is Ms. Lane.  
 9 MS. PRICE: So there were, I think there  
 10 were five I wouldn't necessarily call them  
 11 recommendations. Recommendations for language.  
 12 And there was some that went up by a percent.  
 13 And so we've already whittled this down.  
 14 I believe we had five different ones, and the  
 15 Council has whittled it down to the three, any  
 16 or all of three.  
 17 This one I have concerns about, not  
 18 because it's not needed. I agree with that.  
 19 But there's two concerns that I'm having right  
 20 now.  
 21 The first is that basically what you're

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1 reading, these three were basically on the  
 2 ballot in 2018 as one complete thing. It's  
 3 pretty darn similar, and it failed. There was  
 4 probably lots of reasons it could have failed.  
 5 Council election or they didn't understand one  
 6 piece of it. Maybe they understood the penny  
 7 part. Maybe if that was the only thing that  
 8 had been on the ballot, it would have been fine  
 9 two years ago.  
 10 But I think that if we take two bites of  
 11 the apple and we fail, that we're going to be  
 12 really hard pressed to ever be able to put it  
 13 on the ballot any time soon. Because if we  
 14 tried it again -- let's say two of the three  
 15 passed and the penny part didn't. Because  
 16 that's a tax increase. The rest of it's not a  
 17 tax increase. One is cleanup language, the  
 18 other one just gets rid of a CPIU factor. This  
 19 one is the tax increase.  
 20 And while I know that it says it allows  
 21 but does not require, the whole reason that the

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1 Council would be considering this is because we  
 2 need more revenues.  
 3 And with what we're going through right  
 4 now, with the still record levels of  
 5 unemployment, with businesses that are still  
 6 not able to operate without function, and  
 7 people not having so much money, the last thing  
 8 I'm planning to do in the next year or two is  
 9 to raise someone's taxes.  
 10 So I don't know that it's going to pass.  
 11 I really think it won't. And if it fails two  
 12 times in a row, I don't think we get a third  
 13 bite of the apple any time soon. So that's one  
 14 concern.  
 15 The other is that it says for five years.  
 16 Well, if we are in this problem with  
 17 unemployment and businesses suffering, we  
 18 probably wouldn't even utilize it for the first  
 19 year or two. So basically what we've done is  
 20 waste maybe two out of that five years.  
 21 I would like to see the Council consider

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1 saying we're going to do this or something very  
 2 similar to it the next time.  
 3 It affords us also the opportunity to see  
 4 how the education goes for the first two ballot  
 5 questions that we have just approved to put on  
 6 the ballot.  
 7 Are people just too distracted by all the  
 8 horrible things that are going on right now to  
 9 focus on this? And if they pass, that's great.  
 10 We did a good job. If they don't, it gives us  
 11 the chance to figure out what did we do wrong.  
 12 Was it I say just COVID or just all of the  
 13 other problems going on and the economy that's  
 14 keeping them from voting for it? And give  
 15 ourselves an opportunity to adjust our message  
 16 in two years.  
 17 Again, I don't think that the Council,  
 18 certainly not me, would be raising any taxes in  
 19 the next year or two. So I think we're wasting  
 20 part of our five years.  
 21 And I'd like to get the messaging right.

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1 I think the message is -- I thought the message  
 2 was going to get lost before, but I really  
 3 think the message is going to be lost right  
 4 now. People are really concerned about their  
 5 wallets and their jobs. And I think the timing  
 6 is just off for right now. I support it, but I  
 7 don't support it this year. I think it's  
 8 really important that we do it in two years,  
 9 but I'm not going to support this one at this  
 10 time for those reasons.

11 MR. PACK: Any additional Council comment?  
 12 Hearing none, on Resolution 288, Madam  
 13 Secretary --

14 MR. CALLAHAN: Mr. President, Mr. Leshner  
 15 would like to speak.

16 MR. PACK: Did he? I asked.

17 MR. CALLAHAN: You didn't hear him.

18 MR. LESHNER: Yeah. Mr. Pack, I really do  
 19 hope that we put this on the ballot. Looking  
 20 at the public feedback we've gotten on this,  
 21 every single person who has contacted on this

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1 has said please put this on the ballot, please  
 2 give the voters the choice on this. Not one  
 3 person has said don't give us the choice.

4 And don't make the mistake here. This  
 5 ballot measure will not raise your taxes at  
 6 all. In fact, this year we didn't. This year  
 7 we exercised that discretion as a Council.

8 This Council has shown that it can be  
 9 trusted with that power. And so this is why  
 10 this is, in fact, the time to do this. The  
 11 public does know this Council. The public can  
 12 trust this Council to exercise that discretion  
 13 with its taxing power over property taxes in  
 14 this county.

15 It is absolutely important that we do give  
 16 the Council this authority. We do have some  
 17 real funding issues in this county.

18 We have just issued pay raises for our  
 19 sheriff's deputies. Where is that coming from,  
 20 it is coming out of reserves. Is it coming out  
 21 of current revenues, no. We are dipping into

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1 the piggy bank to do that one. It is not  
 2 sustainable in the long run.

3 If we want to retain public safety in this  
 4 county, if we want to be able to afford  
 5 advanced life support ambulance service to all  
 6 corners of this county, we have a proposal in  
 7 our budget this year to extend the surge  
 8 capacity of our ambulance units beyond the  
 9 three days that we now have. How are we paying  
 10 for those three days, with the piggy bank.  
 11 It's not out of current revenues.

12 We do not have the funding. If you care  
 13 about public safety, if you care about  
 14 retaining the sheriff's deputies, if you care  
 15 about getting an ambulance to your mother or  
 16 your grandfather within prescribed number of  
 17 minutes, this is vitally important.

18 I don't know that this is enough, but it  
 19 is something. And that's really important. I  
 20 intend to support it. I hope we all do.

21 MR. PACK: Mr. Leshner, I wasn't going to

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1 say anything, but you inspired me.

2 Yes. Listen, we have been saying to you  
 3 all, at least I have been saying to you all for  
 4 the last six or seven years that we have a  
 5 number of capital projects facing us. We have  
 6 to get the sheriff out of the Business Center  
 7 because that building will come down. It is  
 8 projected to come down sometime maybe around  
 9 2024, 2025, which means we have to start  
 10 looking now as to where we're going to place  
 11 your Sheriff's Department.

12 As Mr. Leshner's point, if you want someone  
 13 to answer your calls and you're living in the  
 14 county, we got to find a place to house them.  
 15 We have to secure property. We have to build  
 16 the Sheriff's Department so they can serve you  
 17 in the county.

18 We have an aged building for your Health  
 19 Department. You guys heard Dr. Wadley in here  
 20 earlier today. That building on Hanson Street  
 21 is an aged building. It's what they call a

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1 sick building. We have been trying for a  
 2 number of years to secure a location for them.  
 3 We have to move them out of that building.  
 4 And to his point regarding the emergency  
 5 services in the north part of the county, if  
 6 you're living north of Cordova or north up  
 7 towards Wye Mills, we'll try our best to get to  
 8 you. But we are letting you all know that  
 9 these are very real concerns. This isn't  
 10 Council's attempt to hold anybody up or to put  
 11 a job over for you.  
 12 These things have to occur, and we don't  
 13 have the revenue coming in to build your  
 14 Sheriff's Department and your Health Department  
 15 and to build your additional substation for  
 16 your emergency services. Those are to support  
 17 you. Not us, but you.  
 18 And again, been ringing this bell for some  
 19 time now. This is your opportunity as citizens  
 20 to say hey, I want to contribute to my future.  
 21 And this will give not just this Council but

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1 future Councils the ability to do that.  
 2 So I likewise will support 288 this  
 3 evening.  
 4 MR. DIVILIO: Mr. Pack, I'd like to make a  
 5 couple of comments I guess.  
 6 In my opinion, the real fix on here is the  
 7 previous one, 287, getting rid of the CPI.  
 8 That's what dug the hole. I'm excited for  
 9 that. I think people can kind of grasp that  
 10 concept hopefully and understand it.  
 11 As far as this goes, I have been vocally  
 12 against it for a while saying exactly what  
 13 Ms. Price said, saying that who raises taxes  
 14 during a pandemic and who would want to raise  
 15 taxes twice.  
 16 I ran on the first campaign. It didn't  
 17 win obviously. So I'm taking that into  
 18 consideration.  
 19 But I also think about all the meetings  
 20 that we had and the great group of folks that  
 21 we put together and the diverse group that came

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1 and presented this to us.  
 2 And in my opinion, just like Mr. Leshner  
 3 said, I don't see this as a tax increase. I  
 4 see this over the next five years starting  
 5 July 1st of 2021 as being the funding mechanism  
 6 to get all the businesses out of the Black &  
 7 Decker building and have the cash flow  
 8 available if it's needed.  
 9 My goal would be not to use it, not to  
 10 need it, just as we did this year.  
 11 But I've been part of the Council that's  
 12 had its hands tied at times when financially we  
 13 need to do things and haven't been able to.  
 14 And I see this as a win for the community.  
 15 I think that there are some emergency services  
 16 that absolutely are lacking here. We do need  
 17 to address those. And this will not allow us  
 18 to break the bank to do those, but also not  
 19 break anybody's checking account either. We  
 20 can easily stay within where we need to be and  
 21 we don't have to use it or all of it.

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1 So I'm turning sides on this and I will be  
 2 in favor.  
 3 MR. LESHNER: Thank you very much,  
 4 Mr. Divilio.  
 5 Any other further comment before we call  
 6 the vote on 288?  
 7 MR. CALLAHAN: Yeah, yeah, sure.  
 8 Mr. President, I was around when we tried  
 9 it the first time. I can say that it is  
 10 somewhat bad timing for something like this  
 11 because of what's happening, but I think we've  
 12 all been sitting up here preaching that we need  
 13 to put it out to the citizens. And once we put  
 14 it in their hands, they can decide it.  
 15 But in order to do that, we have to give  
 16 them that opportunity to actually do that.  
 17 I'm not a big fan of -- I'm like  
 18 Mr. Divilio. I think the CPIU is where we  
 19 needed to be.  
 20 There's three things to choose from. You  
 21 know, I see once again, we sort of go down the

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1 road that we want the citizens to have the  
 2 opportunity to vote on this kind of stuff. So  
 3 I think that's what I'm in favor of, is to put  
 4 it out there and let them decide it.  
 5 We did have a great committee. Hey, let's  
 6 give it a shot. Yes, it could interfere for  
 7 future stuff, Ms. Price. I understand that.  
 8 But I think we need to give it a shot.  
 9 We have emergency services. And I think  
 10 now the citizens all know how hard it's been  
 11 for the last couple of years for us to govern  
 12 with not a whole lot of funds and revenue. And  
 13 we've done a good job sort of telling  
 14 everybody, the citizens that.  
 15 So let's see what they say about it and  
 16 see if we can get some help from them and put  
 17 it in their hands. And if it doesn't pass,  
 18 obviously they've spoke, they've spoke and  
 19 we'll have to live with that and find ways to  
 20 make this work.  
 21 MS. PRICE: I mean I don't disagree.

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1 MR. PACK: I'm going to call the vote,  
 2 Ms. Price. I think we all had an  
 3 opportunity --  
 4 MS. PRICE: Almost done.  
 5 MR. PACK: -- to run around.  
 6 MS. PRICE: I just want to say I don't  
 7 disagree with any of the points. As a matter  
 8 of fact, I'm pretty much the one who put  
 9 together the one two years ago.  
 10 My concern is the timing. It is really  
 11 the timing is just terrible, and that is my  
 12 biggest concern.  
 13 MR. PACK: So on Resolution 288, Madam  
 14 Secretary, please call your roll.  
 15 SECRETARY: Mr. Pack.  
 16 MR. PACK: Aye.  
 17 SECRETARY: Mr. Divilio.  
 18 MR. DIVILIO: Aye.  
 19 SECRETARY: Mr. Callahan.  
 20 MR. CALLAHAN: Aye.  
 21 SECRETARY: Ms. Price.

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1 MS. PRICE: Aye.  
 2 SECRETARY: Mr. Leshner.  
 3 MR. LESHER: Aye.  
 4 MR. PACK: 288 does pass also for a ballot  
 5 consideration. Thank you very much, Council.  
 6 Moving on, you have now Bill 1446. This  
 7 matter was before us before. This is dealing  
 8 with short-term rental.  
 9 Madam Secretary, would you please read the  
 10 title of the bill.  
 11 SECRETARY: Bill Number 1446, a bill to  
 12 amend Chapter 190 of the Talbot County Code,  
 13 zoning, subdivision, and land development, to  
 14 improve and clarify the processes for licensure  
 15 and oversight of short-term rentals in the  
 16 county and to amend the standards for safety  
 17 for licensure.  
 18 MR. PACK: Okay. This matter is before  
 19 Council, but I understand there are several  
 20 amendments, which I don't think we all had an  
 21 opportunity to go through.

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1 So let me first go to amendment number --  
 2 MR. CALLAHAN: Can I say something,  
 3 Mr. Pack?  
 4 MR. PACK: Sure.  
 5 MR. CALLAHAN: I've been working with Mary  
 6 Kay. Can Mary Kay come up for a few minutes?  
 7 MR. PACK: Sure. She can come up. Can  
 8 Miguel come with her?  
 9 MR. CALLAHAN: He can. He was back there.  
 10 I didn't see him, I'm sorry.  
 11 MR. PACK: Good evening to both of you.  
 12 MS. VERDERY: Good evening.  
 13 MR. PACK: I have no idea what he's going  
 14 to ask you. Have no idea.  
 15 MS. VERDERY: You may need some help.  
 16 MR. PACK: It could be anything. You  
 17 better hold on.  
 18 MR. CALLAHAN: It could be. So I sat down  
 19 with Mary Kay and sort of went through some of  
 20 the matrix and some of the concerns of the  
 21 public, some of the concerns, some of the wants



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1 and needs of the Council and wants and needs of  
 2 the public.  
 3 I can say at this time that there's so  
 4 many little detailed things in these  
 5 amendments, we all have our own little  
 6 amendments and all these little detailed things  
 7 that what we want to put in there. And we've  
 8 been working on it for I'd say the last six  
 9 months.  
 10 MS. PRICE: How about three years.  
 11 MR. PACK: Longer.  
 12 MR. CALLAHAN: All right. I've been  
 13 really thinking hard about it. We've gotten  
 14 phone calls. We have been talking to people.  
 15 Everybody has been fairly patient with us.  
 16 The thing that really struck me a little  
 17 bit is everybody just wants to go ahead and  
 18 pass 1446 and then we come back later. What  
 19 scares me a little bit is that we've been three  
 20 years working on this thing, and everybody is  
 21 exhausted about it. So I don't even see us

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1 coming back to it for a while if we need to  
 2 tweak this thing. So that's concerning me.  
 3 Being in this seat for six years, we don't do  
 4 very well coming back because it takes so long  
 5 and so many public hearings. It's a lot of  
 6 work. I don't mind doing that.  
 7 But I would ask Council if we could work  
 8 with Mary Kay and Miguel a few more weeks to  
 9 come out with one amendment and we all sort of  
 10 somewhat agreement on it and then present that  
 11 to the public, this is what it is.  
 12 Because it did scare me, and I voiced my  
 13 concerns with Mary Kay and she was very, very  
 14 good about it. I did voice my concerns that  
 15 last meeting was one of the first times I seen  
 16 some new language. And I think it was sort of  
 17 only fair that the public seen it. I seen it,  
 18 we all seen it, and we processed it.  
 19 And Mary Kay was very good at helping me  
 20 understand the process of some of the language  
 21 and why they did it and all that stuff. I sort

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1 of wasn't 100 percent there, but I understood  
 2 where they were headed with it.  
 3 I just feel like I'm quite not there yet,  
 4 and I'm not comfortable with it and comfortable  
 5 with all these little bits and pieces and  
 6 stuff. So I would ask us to push it off for a  
 7 couple, three weeks to fine tune this as a  
 8 Council.  
 9 MR. PACK: Did you have any questions for  
 10 them?  
 11 MR. CALLAHAN: I don't know if they had  
 12 any questions for me honestly. So I mean I  
 13 just really wanted them in front of us because  
 14 they've done a good job and they've done --  
 15 have told us what -- I understand they've told  
 16 us what their needs are. But sometimes it's  
 17 our needs and how we need to run it.  
 18 MS. PRICE: So I do agree that a few more  
 19 weeks might really help a lot.  
 20 I don't know about consolidating it all  
 21 down into one amendment because I think there's

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1 some very different ideas. However, if we have  
 2 two or three amendments, that's okay. Again,  
 3 like I said, we don't want to be Congress. We  
 4 don't want to lump it all in together and say  
 5 okay, I like this part but not that part, so  
 6 the whole thing dies.  
 7 You know, there might be two or three  
 8 different ones. But if we are going to do  
 9 that, we need to allow, whether you want to  
 10 hold a whole nother public hearing or you just  
 11 want to open up public comment, if next week or  
 12 in a few weeks.  
 13 When is the -- I think Mr. Divilio told  
 14 me. Is it August 13th that this one. . .  
 15 SECRETARY: It expires August 13th.  
 16 MS. PRICE: We would need to get some  
 17 amendments out at least two weeks before then.  
 18 That would mean we need to figure out the  
 19 amendments by next Tuesday.  
 20 And however Council wishes to hear back  
 21 from the public, because that's important. We

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1 got a lot of e-mails after our meeting last  
 2 week saying that they weren't aware, they need  
 3 to understand.  
 4 And if the other two amendments that you  
 5 all are thinking about introducing, we need the  
 6 public's feedback on that. Whether we do an  
 7 official public hearing or whether we just  
 8 allow them to call in during public comment and  
 9 to e-mail us if -- people are getting pretty  
 10 good about expressing their thoughts via  
 11 e-mail. I'm comfortable with that.  
 12 If we can get these amendments out either  
 13 tonight or next week. Maybe tweak them again  
 14 before we introduce them and introduce them  
 15 next week. I'm not sure if you want to lay  
 16 them on the table or not.  
 17 But it's important that whatever we do, we  
 18 give the public a good opportunity to give us  
 19 feedback on these two important amendments.  
 20 MR. CALLAHAN: Right. I agree.  
 21 MR. DIVILIO: My two amendments are

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1 very --  
 2 MR. PACK: If you guys don't mind, I would  
 3 like to just go through the amendments so we  
 4 can kind of move this thing along.  
 5 And to your point, Mr. Callahan, no.  
 6 Because these amendments are just offered this  
 7 evening, I was not going to call a vote  
 8 tonight. But at least we got to get the  
 9 amendments introduced so they can be on the  
 10 record.  
 11 MR. CALLAHAN: Okay.  
 12 MR. PACK: If you all don't mind, let's go  
 13 to the first amendment. And Mr. Divilio, I  
 14 believe is this yours?  
 15 MR. DIVILIO: The amendment number one --  
 16 MS. PRICE: That was last week.  
 17 MR. DIVILIO: Is last week.  
 18 MR. PACK: Is this the amendment that  
 19 Mr. Leshner offered up then? That's amendment  
 20 number one. We've seen that one. And this has  
 21 not been officially introduced. He just gave

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1 direction for it to be drafted.  
 2 MR. LESHNER: We introduced it. We haven't  
 3 voted on whether that amendment (inaudible).  
 4 SECRETARY: Amendment number one was  
 5 introduced by all Council members except  
 6 Mr. Divilio, who was not in attendance. But it  
 7 has not been voted.  
 8 MR. DIVILIO: So we can leave that.  
 9 SECRETARY: And it was also posted on the  
 10 website.  
 11 MR. PACK: Let's go to amendment number  
 12 two, then. Mr. Divilio, this is your  
 13 amendment.  
 14 MR. DIVILIO: Yes. So this is offering up  
 15 an amendment to reduce it from two nights to  
 16 three -- from three nights down to two-night  
 17 minimum stay.  
 18 MR. PACK: Okay.  
 19 MS. PRICE: So can I just make a comment  
 20 to that one? So I think it's worth a  
 21 discussion. But because of the pandemic that

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1 we're in, I don't know that it's overly  
 2 sensitive to have it, if it were to pass, have  
 3 it be effective 2020.  
 4 So maybe between now and next Tuesday we  
 5 can talk about introducing it, but I would like  
 6 to add to that that this particular amendment,  
 7 if it were to pass, would not be effective  
 8 until 2021, which would limit the people coming  
 9 for short stays in the middle of a pandemic,  
 10 which I don't know is the right message to send  
 11 right now.  
 12 So if you're at all willing to amend that  
 13 to say that if this one passes based on public  
 14 feedback, that we wouldn't make -- and that's  
 15 why I want to keep the amendment separate.  
 16 That this particular one might not take effect  
 17 until 2021.  
 18 MR. PACK: So let me procedurally go  
 19 through this. Do I have a motion to -- is  
 20 anyone, by a show of hands, introduce amendment  
 21 number two, which is Mr. Divilio's amendment as

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1 drafted.

2 If you wish to offer an amendment to his

3 amendment, we can certainly take that into

4 consideration as well. But just by a show of

5 hands for introduction of amendment number two,

6 which is to change the minimum night stay from

7 three nights to two nights, just have a show of

8 hands for introduction of that amendment,

9 please. That will be by Mr. Divilio and

10 Mr. Callahan.

11 So amendment number two is introduced.

12 Give me one second here. Let me write this

13 down.

14 MS. PRICE: So how would I just include

15 discussion, just effective date because I don't

16 want to introduce it as is? It needs to be a

17 whole separate amendment or whether you guys

18 just want to think about it.

19 I'm just going to go on the record stating

20 that I would like to have feedback whether

21 that's more acceptable to people on this

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1 particular amendment. And if we need -- since

2 we're not going to even vote next week, based

3 on the feedback we would get over the next

4 seven days, if people are willing to do that,

5 whether they would be more comfortable with

6 waiting on the effective date, we can --

7 MR. CALLAHAN: I think like we discussed,

8 am I right by saying that when this does go

9 into effect, it takes 60 days before it goes in

10 effect?

11 MR. PACK: Yes.

12 SECRETARY: Yes.

13 MR. PACK: Amendment number --

14 MS. PRICE: -- like I said, that would

15 still be -- it would still be the end of

16 September. And I don't think we're out --

17 we're not out of this pandemic by the end of

18 September. So just keep that in the backs of

19 your minds between now and next Tuesday. Okay?

20 MR. PACK: And amendment number three,

21 that is yours as well, Mr. Divilio. You want

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1 to go ahead and speak to that?

2 MR. DIVILIO: That is, yes. That is

3 adjusting the maximum number of persons

4 permitted to be on site associated with any STR

5 during nighttime hours, from sunset to sunrise.

6 Shall be limited at all times to the lesser of

7 12 persons per two persons per bedroom in a

8 dwelling that is rented, excluding infants

9 under 18 months of age.

10 MR. PACK: I just need a show of hands who

11 want to introduce amendment number --

12 MS. PRICE: Why don't you go ahead and

13 read the rest because it says something about

14 regulations.

15 MR. DIVILIO: Yes. I'll read all of it.

16 Continuing, there's -- it strikes after 18

17 months of age, and not including any bedrooms

18 within an accessory structure. Adding there

19 shall be no limit on the maximum number of

20 persons during daytime hours, sunrise to

21 sunset, except to the extent that another

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1 section of the Talbot County Code or other law,

2 regulations, rule, order, decision, or

3 condition of approval imposes such a limit or

4 otherwise curtails a gathering.

5 MR. PACK: Okay. This amendment does give

6 me personal pause, but I'll address that later.

7 MS. PRICE: Since Mary Kay is sitting

8 there, so some of the --

9 MR. PACK: Before we do that, can I just

10 have a show of hands for introduction --

11 MS. PRICE: Well, I'm not sure yet because

12 I need some clarification on what that might

13 omit. Okay.

14 So there have been e-mails with concerns

15 of 20, 30, 40 people coming. That's not -- I

16 would never vote for something if it would

17 allow 20, 30, or 40 people.

18 So by the extra language that Mr. Divilio

19 has written in here, someone decides to have a

20 wedding on a short-term rental property, invite

21 30 or 40 people, is that allowed or would that

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1 be restricted by the language that Mr. Divilio  
 2 has included?  
 3 MS. VERDERY: As written with the  
 4 language, it does say that it excludes -- I'm  
 5 sorry, let me read it from the amendment. It  
 6 does not allow anything that would conflict  
 7 with the code, with any other law, regulation,  
 8 rule, or order. There is --  
 9 MS. PRICE: Which means what?  
 10 MS. VERDERY: There is something already  
 11 in the short-term rental section that says that  
 12 you cannot have weddings, retreats, certain  
 13 events at a short-term rental.  
 14 So I would think for that particular  
 15 purpose, it would be a conflict. So you  
 16 couldn't have a wedding with 40 additional  
 17 people --  
 18 MS. PRICE: What if you're just having a  
 19 big party with 40 people?  
 20 MS. VERDERY: That would be possible.  
 21 Just to invite 40 additional friends, you could

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1 do that. But to have them for a wedding or  
 2 event or something that's spelled out in the --  
 3 MS. PRICE: Right. So now, you're going  
 4 to get people going well, it's not really an  
 5 event, I'm just having friends over. And oh,  
 6 by the way, the justice of the peace shows up.  
 7 And it also depends on the property.  
 8 There's some places that might not be a  
 9 problem, but in Rio Vista or Bentley Hay, you  
 10 couldn't do that.  
 11 So this one I think needs a little bit of  
 12 work maybe based on, again, the size of the  
 13 property. I think that's a little too broad.  
 14 I think if you want to have a few family  
 15 members over or Mom and Dad or another couple,  
 16 I don't think people would have too much  
 17 heartburn with that.  
 18 But the way this one is written, probably  
 19 needs a little bit of massaging.  
 20 MR. PACK: The chair would ask for a show  
 21 of hands on amendment number three for

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1 introduction. By Mr. Divilio.  
 2 MR. CALLAHAN: I would. . .  
 3 MR. PACK: Sure. Go ahead.  
 4 MR. CALLAHAN: So one question for Mary  
 5 Kay. When we were sitting down walking through  
 6 this, so what we have to be sensitive about,  
 7 which Mary Kay brought to my attention, is that  
 8 once we put this stuff in effect, it's how  
 9 we're going to enforce it.  
 10 So sometimes we also have to look at it in  
 11 an enforcement, how we're actually going to  
 12 enforce it and determine when there's a  
 13 complaint. So she brought some really good  
 14 points up to me.  
 15 So I think, Mr. Divilio, I think this has  
 16 got room for tweaking, I do. I think this  
 17 might be something that we could sit down with  
 18 Mary Kay because you and me specifically went  
 19 through an exercise about having more people.  
 20 MS. VERDERY: Right.  
 21 MR. CALLAHAN: You know what I mean? So

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1 one of her concerns were is how we're going to  
 2 enforce it. You know what I mean? So that  
 3 might be something that we look at in the next  
 4 week.  
 5 MR. DIVILIO: This is not perfect,  
 6 especially when you're dealing with the court  
 7 of public opinion. (Inaudible) where people  
 8 say I counted how many people were across the  
 9 street, and I went over and I told them they  
 10 were over the limit.  
 11 MR. CALLAHAN: Right.  
 12 MR. DIVILIO: And we've seen multiple  
 13 e-mails like that. And then they found out  
 14 that the code enforcement went out and they  
 15 weren't over.  
 16 So dealing with court of public opinion  
 17 and the public trying to enforce this stuff,  
 18 it's not going to happen.  
 19 MR. CALLAHAN: Right.  
 20 MR. DIVILIO: (Inaudible.)  
 21 MR. PACK: Madam Secretary, I'm going to

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1 take you back to amendment number one. I did  
 2 remember the Planning Commission offered this  
 3 up. I thought that Mr. Leshner had given  
 4 instruction to draft this.  
 5 Are your records showing that this was  
 6 introduced by who on last week?  
 7 SECRETARY: It was introduced by you,  
 8 Mr. Callahan, Ms. Price, and Mr. Leshner.  
 9 MR. PACK: I'm going to have to take a  
 10 look at those records. I do not believe I  
 11 introduced this. I actually spoke out against  
 12 this. That's why I'm sure I did not introduce  
 13 it.  
 14 SECRETARY: I'll check the transcript  
 15 tomorrow.  
 16 MR. PACK: So we have the three amendments  
 17 before us as introduced. Because of these  
 18 amendments, going to get some more information  
 19 on them, we're going to hold off on the vote on  
 20 1446. We can pick this up. We have the 11th  
 21 meeting, August the 11th, Madam Secretary.

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1 MS. PRICE: We have to vote by then.  
 2 MR. PACK: This is due on the 13th, right?  
 3 MR. DIVILIO: Correct.  
 4 MR. PACK: So we vote on the 11th. So put  
 5 this on for the 13th. That way we have to have  
 6 a vote on the 13th.  
 7 MR. DIVILIO: Eleventh.  
 8 MR. PACK: On the 11th. I'm sorry. On  
 9 the 11th.  
 10 MS. PRICE: So what about how are we going  
 11 to get public comment?  
 12 MR. PACK: They can write. Those three  
 13 amendments. Those are the only three  
 14 amendments we have. Okay.  
 15 So we'll pick this up for final vote on  
 16 1446 on the 11th of August for final vote.  
 17 And we have three amendments. They will  
 18 be posted. One is already posted. The other  
 19 two will be posted by tomorrow for persons to  
 20 read. Okay.  
 21 Thank you all very much for coming in.

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1 Appreciate it.  
 2 And we have another matter that was held  
 3 over from last week. This is Bill 1450, a  
 4 nutrient credit bill.  
 5 Mr. Clarke, you were not present. I know  
 6 you had some matters you had to address. So  
 7 why don't we call you forward to give a quick  
 8 rundown of the nutrient credit program and how  
 9 it works and who does it impact and who does it  
 10 not impact.  
 11 And there is one amendment that I offered  
 12 earlier today. So we'll speak to that as well.  
 13 MR. HOLLIS: Mr. President, could we ask  
 14 for a five-minute break for the stenographer?  
 15 MR. PACK: Absolutely. Council, we're  
 16 going to recess for five minutes. Thank you.  
 17 (Recess taken.)  
 18 MR. PACK: Okay. We're going to go back  
 19 into session now and pick up where we were  
 20 before.  
 21 Mr. Clarke is before us to speak regarding

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1 Bill 1450, was not with us last week when this  
 2 matter come up before Council.  
 3 So Mr. Clarke, I'm going to turn it over  
 4 to you.  
 5 MR. CLARKE: Sure thing. This is I guess  
 6 the capital enabling legislation for the  
 7 nutrient credit program. I guess we are  
 8 requesting funds from the County Council to set  
 9 up this program primarily I guess to go out and  
 10 buy nutrient credits that are associated with  
 11 the oysters that are growing in let's say the  
 12 Talbot County waters.  
 13 And the key of this is we would probably,  
 14 once the Council were to vote on this and the  
 15 bill becomes effective, we would then work to  
 16 try to outline I guess the projects that we  
 17 look at trying to buy, apply the credits to.  
 18 So we come to the County Council.  
 19 Very similar to what we did with the water  
 20 quality program that we did where the Council  
 21 appropriated monies for doing upgrades of

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1 ditches and then we would come to the County  
 2 Council with a ditch and what we wanted to do  
 3 and then present that to you and then get the  
 4 blessing to move forward with that ditch  
 5 improvement of ten, 20, 30,000, whatever it  
 6 might be.  
 7 This would be a similar program. There is  
 8 no obligation of the county to buy the nutrient  
 9 credits.  
 10 The focus was, one, we do have now the  
 11 hatchery I guess on Fog Cove that's now  
 12 generating spat and that spat is now being put  
 13 out in the oyster beds.  
 14 And then what typically would happen is  
 15 that with the nutrient credits, the Maryland  
 16 Department of the Environment puts these up for  
 17 sale. And then ultimately in this case, the  
 18 credits would probably be generated or would be  
 19 generated by the Maryland Seafood Cooperative.  
 20 And then ultimately we could then work to buy  
 21 those credits from the Maryland Seafood

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1 Cooperative, which was a cooperative, to my  
 2 understanding, that's set up by watermen.  
 3 So again, this would be a program to try  
 4 and look at buying credits on a calendar year  
 5 and then ultimately looking to apply those to  
 6 certain projects working with the Council to  
 7 define those projects and then basically  
 8 getting you all's approval to move forward with  
 9 buying those credits.  
 10 As an example, I mean one of the things  
 11 that I would just say is the county currently  
 12 with the biosolids facility, we actually we  
 13 have solar panels there. We generate what's  
 14 referred to as a solar rec. And ultimately, we  
 15 work very closely with Easton Utilities and we  
 16 sell those solar recs. And one rec basically  
 17 is equivalent to one megawatt hour of power.  
 18 So we sell that to Easton Utilities.  
 19 So ultimately, there's ways you can work  
 20 together to buy and sell credits. So that's  
 21 probably what we would try to do as well.

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1 MR. PACK: Thank you, Mr. Clarke.  
 2 And I did offer up an amendment to the  
 3 bill. It is in your packet, Council. And what  
 4 my amendment would do is on page one, strike  
 5 the word aquaculture so the credit would not be  
 6 limited just to that industry alone.  
 7 I know that we've heard from Mr. Abel over  
 8 at Ferry Cove Shellfish in supporting 1450 as  
 9 drafted. But if you make the amendment just to  
 10 remove aquaculture and just have oyster  
 11 industry to offset the TNTP discharging, that  
 12 would give us more flexibility as far as whom  
 13 the credit would be selected from.  
 14 I know that we also had a letter from  
 15 Shore Rivers on this as well. So we have that  
 16 letter in our packet. And they did have some  
 17 points that they made out as well regarding the  
 18 nutrient credits and how they were acquired.  
 19 So I do have that one amendment that I  
 20 offered up. So I will be introducing that one  
 21 as well tonight.

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1 So any additional comments or questions of  
 2 Mr. Clarke?  
 3 MR. LESHER: Mr. Clarke, I have one. And  
 4 this is inspired in part by the public input  
 5 from Mr. Pluta, which has to do with -- and in  
 6 concept I support the idea of nutrient trading  
 7 because it certainly rewards good behavior  
 8 financially.  
 9 But the objection expressed by Mr. Pluta  
 10 is that we're allowing the improvement to be  
 11 done in a different waterway than the one  
 12 that's being offset. And is there a way that  
 13 we can narrow this so that we're doing those  
 14 offsets within the same waterway?  
 15 MR. CLARKE: I don't think we can because  
 16 what is going to happen is you're going to --  
 17 one of the problems. Let's say you're let's  
 18 say focusing on Choptank River. My  
 19 understanding is the Choptank River may be a  
 20 sanctuary. So there's no way for them to grow.  
 21 I mean they eventually would grow. But the

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1 credits would -- I don't -- through let's say  
 2 the Watermen's, Maryland Watermen or Seafood  
 3 Cooperative, they wouldn't be doing that there  
 4 because they would -- I guess where the  
 5 hatchery and the watermen are working is  
 6 probably where we'll be seeing those credits.  
 7 I don't know like if it's a specific  
 8 river, unless there's an operation in that  
 9 specific river that's generating credit, that's  
 10 the only way we could go and get credits from  
 11 that river to offset that load.  
 12 MR. LESHER: Is the presumption here -- I  
 13 mean the Choptank River is a county boundary,  
 14 Talbot and Dorchester. Is it a presumption  
 15 here that the purchased credits would only come  
 16 from the Talbot County side?  
 17 MR. CLARKE: We would be focusing on  
 18 trying to get the Talbot County, what was  
 19 developed as at credits in Talbot County  
 20 waters, yes. We would do our best to do that,  
 21 to secure both nitrogen and phosphorus credits

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1 that are coming out of let's say Talbot County  
 2 waters.  
 3 MR. LESHER: Because Miles River water and  
 4 Broad Creek water are both Talbot County, but  
 5 they're completely different waterways.  
 6 Whereas if you're doing something in the  
 7 Choptank River, where the water really doesn't  
 8 respect political boundaries, and if you  
 9 approve something on the Dorchester side, you  
 10 can offset on the Talbot County side,  
 11 presumably there's the pulse of the tide is  
 12 creating some flow there.  
 13 MR. CLARKE: Right. I think to your  
 14 point, I mean that's where we get into some of  
 15 the specifics where I think when we're ready to  
 16 come before the Council and say okay, Council,  
 17 we'd like to go ahead and buy these credits, we  
 18 can then discuss with the Council as to where  
 19 the credits have been generated and then  
 20 ultimately where they would be applied to.  
 21 We're not providing you with that

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1 information because we haven't really gotten to  
 2 that detail yet. But that would be something  
 3 the Council would vote on.  
 4 MR. PACK: If I could, to that point, you  
 5 can use these credits all over the state.  
 6 MR. CLARKE: Correct. It doesn't prohibit  
 7 anybody else from buying the credits.  
 8 MR. PACK: If we don't use them and the  
 9 credits were from the Choptank, that doesn't  
 10 mean Anne Arundel won't grab them or St. Mary's  
 11 won't grab them. You can use them anywhere.  
 12 MR. CLARKE: Correct.  
 13 MR. DIVILIO: Is this -- would this be set  
 14 up the same way that we did the other funding  
 15 mechanism?  
 16 So we're going to pass the legislation  
 17 that would allow you to come back to us and say  
 18 hey, I found this, and then the money is going  
 19 to be sitting, then we're going to approve it?  
 20 MR. CLARKE: Yes.  
 21 MR. PACK: When we did the WIP back in

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1 2015.  
 2 MR. CLARKE: Something like that.  
 3 MR. PACK: We did the same thing.  
 4 Enabling legislation for the WIP. And we were  
 5 able to do the stage, the ditch retrofits for  
 6 the ditch program.  
 7 MR. CLARKE: Exactly, correct.  
 8 MR. PACK: So this is just allowing you  
 9 the mechanism by which when he finds a project,  
 10 he still has to come back before us in order to  
 11 fund it.  
 12 MR. CLARKE: The analogy I would apply is  
 13 that we bought the car here tonight. Now we  
 14 just need to put the fuel in it and we got to  
 15 get the fuel from you all to power that car.  
 16 MR. PACK: Any further questions?  
 17 MS. PRICE: Yeah. I'm not comfortable  
 18 with the way this one is written. I think  
 19 we've had enough feedback on this one that it's  
 20 got some concerns. Heard from a lot of people  
 21 on this one. So I'm not ready on this one

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<p>1 right now.</p> <p>2 MR. PACK: I know it's been pushed back --</p> <p>3 MS. PRICE: I don't --</p> <p>4 MR. PACK: -- with all due respect.</p> <p>5 MS. PRICE: I wouldn't be ready in two</p> <p>6 weeks, either. I think that this one I don't</p> <p>7 like, again, how this one is written.</p> <p>8 MR. CALLAHAN: Mr. President, can we hear</p> <p>9 from. . .</p> <p>10 MR. PACK: Jeff is here. Yeah. Why not?</p> <p>11 Jeff made a trip in. I know he had a busy day</p> <p>12 today. I talked with you on the phone a little</p> <p>13 earlier.</p> <p>14 Come on up, Jeff. How you been? Good</p> <p>15 seeing you.</p> <p>16 MR. HARRISON: I've been good. I'm</p> <p>17 burning up a little bit with sea nettle. We've</p> <p>18 got a load of sea nettles up here, guys. Don't</p> <p>19 go swimming, don't do anything. Yeah.</p> <p>20 I mean I can answer any questions you</p> <p>21 want.</p>	<p>1 doing. Probably our oysters will stay there</p> <p>2 longer, probably up to four years before we</p> <p>3 harvest them. So they're filtering the water</p> <p>4 and doing all the good that we know oysters do.</p> <p>5 But as it's written right now, that's why</p> <p>6 we had a problem, why I called and I texted and</p> <p>7 said you know, if it says aquaculture, I have a</p> <p>8 problem with it. We want to be involved.</p> <p>9 We need a money source. This year we</p> <p>10 spent \$300,000 doing the things that I just</p> <p>11 told you that we did. We would like to have</p> <p>12 \$600,000 to spend. This is a way to do that.</p> <p>13 So if we can be included in it, we</p> <p>14 definitely want to be included in it.</p> <p>15 MR. PACK: My amendment does remove the</p> <p>16 word aquaculture out of the amendment.</p> <p>17 I did talk to Matt Pluta earlier today as</p> <p>18 well, and I asked him to send some information</p> <p>19 over to Mr. Kupersmith and Mr. Clarke regarding</p> <p>20 to make sure that this will be consistent</p> <p>21 with -- because this is a State program. I</p>
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<p>1 Where it stands right now with this</p> <p>2 nutrient credits, I probably first heard about</p> <p>3 it ten years ago. I guess I was on the</p> <p>4 Choptank (inaudible), and I was kind of like</p> <p>5 Mr. Leshner and the Riverkeepers with you're</p> <p>6 allowing someone to pollute, you're not</p> <p>7 stopping the problem but you're going to give</p> <p>8 them a credit over here because it's cheaper to</p> <p>9 remove the nitrogen.</p> <p>10 But as we went forward, we seen that this</p> <p>11 is something that's definitely going to happen.</p> <p>12 But it was always pushed at aquaculture. And</p> <p>13 we went in and said hold on now, we do the same</p> <p>14 thing, we plant spat on shell.</p> <p>15 This year we just got finished. We put</p> <p>16 35,000 bushels of shells in Talbot County and</p> <p>17 we put 27 million spat on shell.</p> <p>18 Now, as it stands right now with the</p> <p>19 nutrient credit plan the way it's set up, we're</p> <p>20 not eligible for that even though we're doing</p> <p>21 the same thing that the aquaculture people are</p>	<p>1 think EPA passed it down to the states, and</p> <p>2 then it's either run through MDE or -- is it</p> <p>3 MDE?</p> <p>4 MR. HARRISON: I don't know.</p> <p>5 MR. PACK: So I mean we have to make sure</p> <p>6 that we stay consistent to what they are</p> <p>7 requiring.</p> <p>8 All I did in my amendment was to remove</p> <p>9 aquaculture to open it up to those wild oyster.</p> <p>10 MR. HARRISON: We appreciate that.</p> <p>11 MR. PACK: Habitats. So if that would</p> <p>12 allow us to now bring you guys into the fold, I</p> <p>13 would certainly offer up the amendment.</p> <p>14 MR. HARRISON: That's what we're looking</p> <p>15 for. We're just looking -- I mean at the State</p> <p>16 level, they're finally looking at it and they</p> <p>17 said that it's going to get done. But why</p> <p>18 hasn't it been done already? I mean you know.</p> <p>19 Why have we always been pushed aside when we're</p> <p>20 doing exactly the same thing? I mean we're</p> <p>21 enhancing the bottom with either shell or spat.</p>



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1 MR. CALLAHAN: Right.

2 MR. HARRISON: And we want the credits.

3 Someone else is going to get the credit, why

4 can't we, especially when we're going to use

5 that money to increase more oysters in the Bay.

6 That's our position.

7 MR. CALLAHAN: Can you -- Captain Newberry

8 reached out to me. So can you shed some light

9 on why he's hesitant on with the -- he wrote --

10 MR. HARRISON: Well, it's the same thing.

11 It's like you're looking at -- you're giving

12 this benefit to one industry, one part of the

13 industry.

14 MR. CALLAHAN: Okay.

15 MR. HARRISON: And it's really privately

16 owned. Whereas, we're a public fishery.

17 So after a while, if you keep giving

18 these, all the advantages.

19 MR. CALLAHAN: To one person.

20 MR. HARRISON: To one side. The other

21 side, we're going to feel it.

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1 Right now we don't know -- last year our

2 season, we doubled the year before, even though

3 we did a 30 percent reduction in harvest. We

4 got 275,000 bushels last year.

5 We looked for another good season this

6 year. The problem is with the COVID thing, we

7 don't know. Right now, aquaculture is not

8 doing well with selling their oysters.

9 That could be a problem in itself.

10 Aquaculture grows an oyster to be two and a

11 half to three inches. Well, the oyster doesn't

12 stop growing because you can't sell it. So

13 they're growing. When they get this big, they

14 can't sell them. So what do they do, they very

15 well could dump them on our market this winter

16 and ruin our markets.

17 So we don't know what to expect coming

18 forward and going forward with it with this

19 COVID thing, especially with what's going on

20 with aquaculture this past summer.

21 So we need -- we're in a good position now

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1 because my understanding is it's been real dry,

2 like I told you, and lots of sea nettles.

3 We're going to have a real good spat set this

4 year. So we are going to have oysters. We're

5 looking for a better and brighter future.

6 We just want to be a part of it. What

7 we're worried is that aquaculture is going to

8 get all the benefits and we're going to go down

9 the wayside.

10 MR. PACK: Are you putting up with spat

11 now?

12 MR. HARRISON: We just got finished the

13 last three weeks putting on spat on shell. We

14 do it in May and June. I think we're done with

15 what we're doing this year. Like I said, we

16 did 27 million. That's just Talbot County.

17 Over the whole state, it's like two and a half

18 million dollars spent. We spent about 300,000.

19 MR. PACK: Well, I want to offer my

20 amendment up to remove the word aquaculture out

21 of the bill and open up to oyster industry.

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1 And that way we open up to both those fisheries

2 as well as to the wild oysters to get the

3 credit from them as well.

4 MS. PRICE: Can I ask Mr. Harrison if the

5 amendment includes it says oysters instead of

6 aquaculture, are you in favor of this bill or

7 do you still have reservations about it?

8 MR. HARRISON: No --

9 MS. PRICE: Based on what your market is

10 going to be and the size of the oyster and all

11 the things you just said.

12 MR. HARRISON: I'd still be in favor of

13 it. I do think eventually that the State is

14 going to catch up and we are going to get the

15 credit.

16 Like I say, right now we're not eligible,

17 even though aquaculture is. But I think it's

18 in the process for us to be that way.

19 MS. PRICE: So if we put this amendment

20 in, but the State might not accept that.

21 MR. HARRISON: Well, they're not going to

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1 right now until they do determine exactly --

2 MS. PRICE: So --

3 MR. HARRISON: -- how to give us the

4 credit.

5 They have a problem with when we plant an

6 area, it's a designated area. It has

7 coordinates and everything else. So they

8 always say we can't be sure the oysters didn't

9 come off of that area. We're like well, it's a

10 bar name, put the bar name on the ticket.

11 We have to record everything. There's

12 definitely a way we can do this. It's not like

13 we can't do it. It's just maybe one more

14 little bit of paperwork.

15 MS. PRICE: If the Council puts the

16 amendment in, the State still might not give

17 you the credit. They still might only do it

18 for aquaculture. Is that correct?

19 MR. HARRISON: We're not going to get the

20 credit until they get their numbers straight.

21 It's in the process. My understanding is it's

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1 about six more months.

2 MS. PRICE: So at the moment, our

3 amendment doesn't really do anything.

4 MR. HARRISON: Not really, no.

5 MS. PRICE: But it might down the road.

6 MR. PACK: Again, the enabling legislation

7 is not saying that Mr. Clarke is going to go

8 out and purchase anything today.

9 But should the State make its change,

10 which I'm hearing that they're moving towards

11 that, we're already covered. Because we're

12 taking out aquaculture, we open it up to

13 aquaculture and wild. So we'll be ready to go.

14 MR. HARRISON: I think so.

15 MR. PACK: I think so, too. Thank you,

16 Jeff.

17 MR. HARRISON: All right.

18 MR. PACK: By a show of hands,

19 introduction of the amendment at this time. By

20 everyone except Ms. Price.

21 MR. CALLAHAN: She did.

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1 MR. PACK: Oh, you did? I'm sorry. Your

2 hair was in the way. I didn't see. Your hair.

3 I'm sorry.

4 By Council. So the amendment is

5 introduced by Council on 1451.

6 SECRETARY: 1450.

7 MR. CALLAHAN: One thing, Mr. Stephen

8 Abel, did you want to speak?

9 MR. PACK: I talked to Stephen earlier

10 today.

11 MS. PRICE: Chuck, you better get closer

12 to your microphone, especially with that mask

13 on.

14 MR. PACK: Mr. Abel, how you doing? Good

15 to see you. We talked a little bit earlier

16 today. Thanks for taking my call.

17 MR. ABEL: My pleasure. So this, just to

18 give some context on the process, so this is

19 actually a multi-year expert panel has been

20 reviewing the whole nutrient credit issue.

21 And it's fairly new to the State. Just

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1 got approved by the EPA last year. Maryland

2 Department of the Environment just set up the

3 process this year. Anne Arundel County is

4 finalizing one of the first trades between the

5 county and the watermen in Anne Arundel County.

6 This is just setting you up to be able to

7 purchase credits in the future. It can be

8 tailored to specific tributaries based on where

9 those oysters come from.

10 Right now because of just the ease of

11 which the data they had that focused on

12 aquaculture in the first report that this panel

13 did that was approved by the EPA, they're

14 currently finalizing the next report, which is

15 going to look at getting credits. So

16 denitrification of oysters grown on the public

17 fishery where the watermen, like Jeff said, put

18 down spat on shell or shell, they get a credit

19 when oysters are then harvested or then even

20 potentially sanctuaries as well, where there's

21 a credit associated with the denitrification.

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1 So that report is getting finalized right  
 2 now. It will then go to the EPA. And they'll  
 3 review it, and then it becomes a BNP, in which  
 4 case then those trades can occur for  
 5 aquaculture, public fishery, and then for  
 6 sanctuaries.  
 7 MR. PACK: If this passes tonight, which I  
 8 hope it does, 1450, we're still going to need  
 9 that second piece that you talked about,  
 10 Stephen.  
 11 MR. ABEL: That is correct.  
 12 MR. PACK: So perhaps when Mr. Clarke gets  
 13 his team together, maybe you and Jeff could  
 14 work with them to get that. Because we're  
 15 going to need an actual program to work off of.  
 16 MR. ABEL: Yeah. And you're going to need  
 17 to purchase it because it's not real until MDE  
 18 certifies it and puts it up on its marketplace  
 19 for trades.  
 20 MR. PACK: So this is just a step one,  
 21 Council. We're going to actually have to

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1 develop that program by which we go about to  
 2 purchase the credits.  
 3 So thanks, Stephen. Thanks for talking to  
 4 me earlier today. Appreciate it.  
 5 So we have an amendment to 1450. Any  
 6 additional questions on 1450?  
 7 We heard from Mr. Clarke and our guests.  
 8 We thank them for coming out and being with us  
 9 this evening and staying with us for so long.  
 10 Appreciate that. I know you guys had a long  
 11 day.  
 12 No further questions, as amended 1450 is  
 13 before Council for vote.  
 14 MS. PRICE: Wait. We got to vote on the  
 15 amendment.  
 16 MR. PACK: I'm sorry. We have not taken a  
 17 vote on the amendment. So let me go back to  
 18 the amendment first.  
 19 Madam Secretary, it has been introduced by  
 20 Council. On the vote of the amendment, will  
 21 you please call your roll.

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1 SECRETARY: Mr. Pack.  
 2 MR. PACK: Aye.  
 3 SECRETARY: Mr. Divilio.  
 4 MR. DIVILIO: Aye.  
 5 SECRETARY: Mr. Callahan.  
 6 MR. CALLAHAN: Aye.  
 7 SECRETARY: Ms. Price.  
 8 MS. PRICE: Aye.  
 9 SECRETARY: Mr. Leshner.  
 10 MR. LESHER: Aye.  
 11 MR. PACK: 1450 is now amended and before  
 12 Council for final vote. Any further question?  
 13 Hearing none, Madam Secretary, on the  
 14 amended bill, please call your roll.  
 15 SECRETARY: Mr. Pack.  
 16 MR. PACK: Aye.  
 17 SECRETARY: Mr. Divilio.  
 18 MR. DIVILIO: Aye.  
 19 SECRETARY: Mr. Callahan.  
 20 MR. CALLAHAN: Aye.  
 21 SECRETARY: Ms. Price.

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1 MS. PRICE: I still have opposing  
 2 viewpoints on this one. It already passed.  
 3 No.  
 4 SECRETARY: Mr. Leshner.  
 5 MR. LESHER: Nay.  
 6 MR. PACK: 1450 as amended passes three  
 7 two. Thank you very much, gentlemen. Thank  
 8 you very much, Mr. Clarke.  
 9 Moving on now, Mr. Hollis, I believe  
 10 you're up.  
 11 MR. HOLLIS: Thank you, Council.  
 12 Your roads superintendent has three  
 13 requests. The first involves two vacant  
 14 positions for MEO. He's requesting your  
 15 approval to fill those two positions in his  
 16 department. One has been vacant since winter  
 17 of 2020, and one just become vacant this month.  
 18 You'll remember that in FY21 budget,  
 19 Mr. Edwards was advised that the Council would  
 20 reconsider vacancies in January of 2021. I  
 21 think he's concerned with snow and things of

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1 that sort, that he doesn't have enough people  
 2 literally to run the equipment.  
 3 MS. PRICE: Mr. Edwards, it's 98 degrees  
 4 outside. You're really worried about snow?  
 5 MR. EDWARDS: Well, I'm more worried about  
 6 the number -- the biggest concern I have is the  
 7 number of our staff that are capable of  
 8 retiring. Over half our staff have 30-plus  
 9 years in.  
 10 And with this COVID thing, there's a lot  
 11 of talk if they get furloughs or they shut  
 12 down, they're going to retire and take  
 13 part-time jobs somewhere.  
 14 And we need to be able to cross train  
 15 these people. We've come a long way in five  
 16 and a half years, but we can't afford to not  
 17 have the staff.  
 18 MR. PACK: Are those dollars still sitting  
 19 in your budget unclaimed?  
 20 MR. EDWARDS: Yes, sir.  
 21 MR. PACK: Okay. So no additional

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1 dollars. Okay. I'm fine with it.  
 2 Chair would entertain a motion to fill  
 3 these two vacancies for the Roads Department.  
 4 MS. PRICE: Wait. It's not that simple  
 5 because as we talked about last week, we're  
 6 afraid what the State is going to do.  
 7 How would you feel if we -- my motion  
 8 would be, how about this, to approve one now  
 9 and then maybe in three months or so revisit  
 10 the second one.  
 11 And again, I think we're going to have  
 12 some more answers.  
 13 So I would make the motion for one now and  
 14 then reconsider the one that just left. So  
 15 fill the one that's vacant for six months.  
 16 MR. PACK: You can't block my motion and  
 17 make another motion --  
 18 MS. PRICE: But you can't make a motion  
 19 because you're the president.  
 20 MR. PACK: No, I can't.  
 21 MS. PRICE: Okay. So my motion is one now

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1 and then reconsider the other one in a couple,  
 2 two, three months.  
 3 MR. EDWARDS: May I respond to that?  
 4 MS. PRICE: Yes. Of course.  
 5 MR. PACK: Respectfully, you said that six  
 6 months ago when the one guy left --  
 7 MS. PRICE: So I'm saying fill that one.  
 8 So we're saying yes to that one.  
 9 MR. PACK: Is there a second to  
 10 Ms. Price's motion?  
 11 MR. LESHER: Second.  
 12 MR. PACK: Any further discussion?  
 13 MR. LESHER: Do we want to hear  
 14 Mr. Edwards out on this?  
 15 MR. PACK: Sure.  
 16 MR. EDWARDS: I appreciate that. We  
 17 cannot afford to be without this staff. If we  
 18 fill these two positions, we are still three or  
 19 four people down.  
 20 We're doing all these special projects.  
 21 Every project we have done has been well under

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1 budget by thousands of dollars, not 100.  
 2 Thirty, 40, 50, even 100,000 under.  
 3 We more than make up the money in our work  
 4 that we do to keep these people. We need this  
 5 staff. There's no explanation other than that.  
 6 MS. PRICE: I think any time we ask or I  
 7 ask any of these questions as we go through  
 8 this fiscal year, it is with complete  
 9 recognition that all of these things are  
 10 needed.  
 11 I'm -- we built the budget the way we  
 12 built it for a reason. And as I mentioned last  
 13 week, that I'll just go ahead and real quick  
 14 reiterate now because we have a lot of asks  
 15 this evening. And that is that the State has  
 16 put on the table potentially holding back some  
 17 of our income tax revenues and not giving them  
 18 to us. So that will make our revenues that are  
 19 going to go down even worse.  
 20 And that is where any questions that I ask  
 21 as we go through these decisions is with that

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1 in mind, that it is a big concern that we're  
 2 already going to have lower income tax  
 3 revenues. And if the State decides to steal a  
 4 little bit more, it's going to make it worse,  
 5 which is why I was just trying to structure it  
 6 this way and fill that one.  
 7 And I just think that we're going to get a  
 8 lot more answers in the next month or two,  
 9 which is when I asked you -- when you asked  
 10 last week about the piece of equipment, that I  
 11 think the State is going to give us some  
 12 direction in the next four, six, eight weeks.  
 13 Again, it's not at all because I don't  
 14 recognize that every department has these  
 15 needs.  
 16 MR. EDWARDS: Well, I respect your  
 17 opinion. And I appreciate all that you have  
 18 done for our department.  
 19 Just keep in mind, we have 745 lane miles.  
 20 And nine months a year five people cut grass.  
 21 So that takes 17 -- that takes five off the top

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1 just to cut grass. And we're ditching and  
 2 installing pipes. We have the permit process.  
 3 I'm doing five jobs myself. I'm doing all  
 4 the inspections. I'm running the recycling  
 5 Repurposing Center, running the Roads  
 6 Department, driving a dump truck, running the  
 7 paver. And I will continue to do that, but we  
 8 are understaffed.  
 9 MR. PACK: And since these funds are  
 10 existing dollars in your budget line, they're  
 11 not new monies coming in. And as you said  
 12 before, you are currently coming in under budget  
 13 on some of your projects. So you're not over  
 14 spending.  
 15 So I reject the motion at this time to do  
 16 one at a time. I think that's just  
 17 handicapping you and basically setting you up  
 18 for failure. If the monies are there and you  
 19 say you have a staff that is a staff of 30-plus  
 20 years, yeah, you have two, three guys walk out  
 21 on you and then you're really in a pickle.

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1 So --  
 2 MS. PRICE: So I --  
 3 MR. PACK: -- I certainly understand what  
 4 your concerns --  
 5 MS. PRICE: So I'll amend my motion. I'll  
 6 amend my motion. But I just need to set up  
 7 questions --  
 8 MR. PACK: The motion has already been  
 9 seconded. So we have to call the vote on it.  
 10 MS. PRICE: He can withdraw his second if  
 11 I'm making -- I'm willing to amend my motion.  
 12 You want to withdraw your second?  
 13 MR. LESHER: Go ahead.  
 14 MR. PACK: Can I finish stating what I was  
 15 saying before I --  
 16 MS. PRICE: Well, no. I was going to go  
 17 ahead and move forward. I just want to set up  
 18 a question.  
 19 MR. PACK: I understand. If I can just  
 20 finish. I try to give --  
 21 MS. PRICE: -- saying you reject my

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1 motion. You can't reject my motion. I have to  
 2 change my motion.  
 3 MR. PACK: I reject the notion behind the  
 4 motion. Because you're basically short-handing  
 5 your roads manager to do his job effectively.  
 6 So I certainly understand what you're  
 7 saying. These monies are already within the  
 8 budget. Your projects are coming in below  
 9 budgeted amounts. And I agree with you. We  
 10 don't want you to be caught shorthanded with  
 11 staff retiring.  
 12 And again, should we get hit with a State  
 13 withholding of property tax or income tax,  
 14 we've laid off people before. It's not a nice  
 15 thing to do, but we have laid people off  
 16 before. Of course, you don't want to do that.  
 17 But I'm just saying if it comes down to that,  
 18 that has happened. So --  
 19 MR. LESHER: Mr. Pack, would it be in  
 20 order for Ms. Price to amend her motion?  
 21 MR. PACK: The motion has been seconded.

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1 Yes, yes, she can amend the motion.  
 2 MS. PRICE: Okay. So I wanted to have the  
 3 conversation. So I wanted to put it out there.  
 4 And so I will amend the motion to approve  
 5 both positions.  
 6 MR. LESHHER: And I'll second the  
 7 amendment.  
 8 MR. EDWARDS: Thank you.  
 9 MR. PACK: Any further comment?  
 10 MS. PRICE: It's just an important  
 11 conversation to have every time we go through  
 12 this exercise. I'm not trying to torture you  
 13 really.  
 14 MR. EDWARDS: I understand.  
 15 MR. PACK: Madam Secretary, would you mind  
 16 taking your roll.  
 17 SECRETARY: Mr. Pack.  
 18 MR. PACK: Aye.  
 19 SECRETARY: Mr. Divilio.  
 20 MR. DIVILIO: Aye.  
 21 SECRETARY: Mr. Callahan.

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1 MR. CALLAHAN: Aye.  
 2 SECRETARY: Ms. Price.  
 3 MS. PRICE: Aye.  
 4 SECRETARY: Mr. Leshher.  
 5 MR. LESHHER: Aye.  
 6 MR. HOLLIS: Mr. Edwards is requesting  
 7 your approval to utilize up to \$3,000 in  
 8 current funding for the asphalt on Barker's  
 9 Landing Road. The road has only been patched  
 10 in the past. There's only one business on the  
 11 road with no residences.  
 12 The business owner has agreed to grade and  
 13 pave the entrance to his business if the county  
 14 provides the asphalt. And there are sufficient  
 15 funds to do so in Warren's budget.  
 16 MR. PACK: So you're going to purchase the  
 17 asphalt and then Brian & Sons is going to do  
 18 the paving?  
 19 MR. EDWARDS: We'll purchase half. He's  
 20 going to also supply half.  
 21 It's an entrance. So right at the

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1 landfill entrance, we're only talking about  
 2 that into Barker's Landing, right at his  
 3 entrance.  
 4 MR. PACK: Okay.  
 5 MR. EDWARDS: And then going to, when and  
 6 if we get this approved to do this, when he's  
 7 done, then we're going to tar and chip that  
 8 road. It's a straight shot, not quite half a  
 9 mile. And we're done for 20 or 30 years there.  
 10 It does get used by Easton Utilities  
 11 because the lagoon is there and the police  
 12 department, Sheriff's Department uses the  
 13 shooting range, but it's very low volume  
 14 traffic.  
 15 MR. PACK: Has he started receiving any  
 16 recycling product there do you know?  
 17 MR. EDWARDS: I do not know.  
 18 MR. PACK: Because I know we gave him  
 19 permission last year for that, right?  
 20 MR. EDWARDS: I don't know for sure.  
 21 MR. PACK: Okay.

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1 MR. DIVILIO: Today is his birthday.  
 2 MR. PACK: He is?  
 3 MR. DIVILIO: Yeah.  
 4 MR. PACK: He is receiving?  
 5 MR. DIVILIO: No. Today is his birthday.  
 6 MR. PACK: Oh, okay. The chair would  
 7 entertain a motion for expenditure not to  
 8 exceed \$300,000.  
 9 MR. EDWARDS: 3,000.  
 10 MR. PACK: I'm sorry. \$3,000.  
 11 MR. EDWARDS: It's three loads of asphalt.  
 12 MR. PACK: I thought I heard him say 300.  
 13 That's why I was like wait a minute, how much  
 14 asphalt is he buying.  
 15 \$3,000, not to exceed \$3,000 in asphalt  
 16 for paving of Barker's Landing Road. Chair  
 17 would entertain a motion.  
 18 MR. DIVILIO: So moved.  
 19 MR. PACK: Moved by Mr. Divilio.  
 20 MR. LESHHER: Second.  
 21 MR. PACK: Seconded by Mr. Leshher. Any

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1 further discussion?  
 2 Hearing none, Madam Secretary, please call  
 3 your roll.  
 4 SECRETARY: Mr. Pack.  
 5 MR. PACK: Aye.  
 6 SECRETARY: Mr. Divilio.  
 7 MR. DIVILIO: Aye.  
 8 SECRETARY: Mr. Callahan.  
 9 MR. CALLAHAN: Aye.  
 10 SECRETARY: Ms. Price.  
 11 MS. PRICE: Aye.  
 12 SECRETARY: Mr. Leshner.  
 13 MR. LESHER: Aye.  
 14 MR. HOLLIS: Mr. President, next item is  
 15 Warren's request to have permission to utilize  
 16 50,000 from the current stone budget to extend  
 17 the equipment contract with A-Del Construction  
 18 for the Repurposing Center for August 6th  
 19 through October 6, 2020.  
 20 MR. PACK: Okay.  
 21 MS. PRICE: So is this being offset with

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1 the revenues coming in?  
 2 MR. EDWARDS: Yes, ma'am, it will be.  
 3 What we'll do is, with permission, is take it  
 4 out of our stone budget for tar and chip  
 5 because that's one of our larger budgets.  
 6 We'll use it until spring of next year for this  
 7 fiscal budget. So we have the money there.  
 8 What has happened is we're done the first  
 9 school completely recycled. We recycled a  
 10 little over 15,000 tons of crushed concrete.  
 11 So a lot of that we'll be able to resell  
 12 whenever we get permission to do it in excess  
 13 of what A-Del is buying back to do the school  
 14 parking lot.  
 15 So they're expecting to start the second  
 16 building, which is about three-quarters of the  
 17 size of the first one maybe, a little better  
 18 than half, in a couple of weeks.  
 19 So the crusher is sitting there waiting on  
 20 us to get more material in. So we're doing  
 21 other things. For instance, we crushed all our

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1 millings that we took this year off the road  
 2 and we mixed it with the brick and cinderblock  
 3 from the school. Because you can't mix that  
 4 with the crushed concrete.  
 5 So we've created our own special mixture  
 6 of millings, and we have about 7,000 tons of  
 7 that ready to use. We've been using it a lot  
 8 and sell when we get permission to do that.  
 9 This covers -- the current contract runs  
 10 out August the 6th. So this will cover us from  
 11 August 6th to October the 6th.  
 12 MS. PRICE: And you'll get your money back  
 13 at that time?  
 14 MR. EDWARDS: Well, when we're able to  
 15 sell, we will get a lot more money.  
 16 If we sold today what we have now, I would  
 17 double our money we spent. Easy half a million  
 18 dollars, easy.  
 19 MR. PACK: And A-Del is going to purchase  
 20 stone back from you for the parking --  
 21 MR. EDWARDS: They are. They're going to

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1 purchase between 5,000 and 7,000 tons.  
 2 Unfortunately, I agreed to a lower number than  
 3 I should have. So we're still making good  
 4 money, but we could have made four or 500 more  
 5 a ton.  
 6 MR. PACK: Okay.  
 7 MR. LESHER: I'll move to approve.  
 8 MR. PACK: Motion by Mr. Leshner.  
 9 MR. CALLAHAN: One question.  
 10 MR. PACK: Sure.  
 11 MR. CALLAHAN: So at this stage, you're  
 12 asking us to go ahead and fund that piece of  
 13 equipment to stay there until October?  
 14 MR. EDWARDS: Yes. Two pieces. Yes, sir.  
 15 MR. CALLAHAN: Two pieces?  
 16 MR. EDWARDS: Yup.  
 17 MR. CALLAHAN: So at that stage, how much  
 18 do we have into it at that stage?  
 19 MR. EDWARDS: We have 50. We had 20. So  
 20 70 and then this 50. So it would be about  
 21 145,000, 150,000.

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1 MR. CALLAHAN: 145,000, just a question.  
 2 MR. EDWARDS: That's a good question.  
 3 MR. CALLAHAN: 145,000 into it as we  
 4 speak?  
 5 MR. EDWARDS: Yes. And can I give you a  
 6 real number? So if you had a real number,  
 7 fuel, and I have that in front of me, fuel,  
 8 time, labor, benefits, the rental of the  
 9 equipment from March until now, you're about  
 10 \$290,000 in real number.  
 11 MR. CALLAHAN: Into it for 290 now?  
 12 MR. EDWARDS: Yes. But we would double  
 13 that money easily.  
 14 MS. PRICE: Have we had any revenues from  
 15 it at all?  
 16 MR. EDWARDS: Well, we're selling to them  
 17 now. So we'll bill when this parking lot is  
 18 done. We'll bill back to them, and that will  
 19 be about 50 to 60,000.  
 20 MS. PRICE: But we're 290 in?  
 21 MR. EDWARDS: Yeah. But there's an

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1 explanation for that. We've only crushed about  
 2 six weeks. So you only have a cost of about  
 3 \$70,000 for the crushing and creating all this  
 4 material. But they hauled in, they hauled to  
 5 us 35,577 tons of fill dirt, concrete, and  
 6 asphalt.  
 7 So we created -- we had about two and a  
 8 half acres of real estate there to work with.  
 9 We've created about 15. So now we're a much  
 10 safer, larger area to work, everything is coned  
 11 off where the crushers are and that kind of  
 12 stuff. So it would have cost us a half a  
 13 million dollars to purchase that fill to do the  
 14 work we've done while we were waiting on them  
 15 to bring in material and while they were  
 16 bringing in material.  
 17 And that 290 is also including all the  
 18 materials we did from the roads that we took in  
 19 there and recycled in --  
 20 MS. PRICE: So we're going to sell some of  
 21 it, we're going to use some of it?

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1 MR. EDWARDS: Oh, yeah. Yes, ma'am.  
 2 Absolutely.  
 3 MR. CALLAHAN: So my thought was is maybe  
 4 if you can come back in front of us in a month,  
 5 two months and then sort of give as a  
 6 projection. Right now there's no projection on  
 7 how much we're making.  
 8 MR. EDWARDS: I know what it's costing us  
 9 to do it by the ton and by the yard, like for  
 10 topsoil. I got that down to the penny. It's  
 11 real. That includes benefits, fuel, rental of  
 12 equipment, all that stuff.  
 13 But I would be glad to do that.  
 14 MR. CALLAHAN: I just don't want to get  
 15 too far into the weeds and next time you come  
 16 we've gone from 290 to 390.  
 17 MR. EDWARDS: Yeah. Understood.  
 18 MR. CALLAHAN: I'd just feel a little bit  
 19 more comfortable if you could start saying --  
 20 so the whole reason we got into this is because  
 21 we were going to make money.

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1 MR. EDWARDS: Right.  
 2 MR. CALLAHAN: So if we could maybe --  
 3 MS. PRICE: (Inaudible.)  
 4 MR. EDWARDS: Keep in mind, we're right  
 5 around, we're under \$100,000 if all we did was  
 6 just crush that first school. That's all our  
 7 cost would be. The rest of it is material that  
 8 we hauled in there. I count every truck.  
 9 MR. CALLAHAN: I understand.  
 10 MR. EDWARDS: You can't hide that stuff.  
 11 So it's all there. So I want to be  
 12 transparent.  
 13 MR. CALLAHAN: Right.  
 14 MR. EDWARDS: But if you took that  
 15 material we hauled in there and hauled it to  
 16 other places, we'd be a half a million dollars.  
 17 So what it cost us --  
 18 MR. CALLAHAN: Because of dump fees?  
 19 MR. EDWARDS: Yes. And labor fees and  
 20 further trucking and all that.  
 21 What it costs us in real time is a whole



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<p>1 lot less than what it would cost us if we took                  2 it out and dumped it in the other facilities,                  3 including the landfill. I just want to be                  4 transparent.                  5 We have a program called I-works. So I                  6 know the next day within 24 hours what it cost                  7 us the day before to the penny; trucking,                  8 labor, fuel, benefits, material, everything.                  9 MR. HOLLIS: So we'll schedule Warren in a                  10 month to update you all.                  11 MR. PACK: We have a motion. Was there a                  12 second to the motion on. . .                  13 MR. DIVILIO: I'll second it.                  14 MR. PACK: Second to the motion. Seconded                  15 by Mr. Divilio.                  16 If there's no further comment, Madam                  17 Secretary, please call your roll.                  18 SECRETARY: Mr. Pack.                  19 MR. PACK: Aye.                  20 SECRETARY: Mr. Divilio.                  21 MR. DIVILIO: Aye.</p>	<p>1 MR. PACK: From 328 all the way down to                  2 Dover Road?                  3 MR. EDWARDS: No, no. From Dover Road                  4 intersection.                  5 MR. PACK: From Dover.                  6 MR. EDWARDS: Where State Highway paved,                  7 right at Kingston Road.                  8 MR. PACK: Okay.                  9 MR. EDWARDS: It's about half a mile to                  10 the bottom of the hill.                  11 I don't want to go any further because                  12 when and if we ever widen that road, that pipe                  13 has to be replaced. And if we pave that                  14 section of road, we're only going to put an                  15 inch and a half on it because the road                  16 structure is holding up for that. And I don't                  17 want to raise the edge of the road any higher                  18 because there's no shoulder there.                  19 But this will eliminate the tar issue.                  20 MR. PACK: (Inaudible.)                  21 MR. EDWARDS: Huh?</p>
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<p>1 SECRETARY: Mr. Callahan.                  2 MR. CALLAHAN: Aye.                  3 SECRETARY: Ms. Price.                  4 MS. PRICE: Aye.                  5 SECRETARY: Mr. Leshner.                  6 MR. LESHER: Aye.                  7 MR. PACK: Next matter.                  8 MR. HOLLIS: Want to let Council know                  9 about Black Dog?                  10 MR. EDWARDS: Yes. So Council, I was                  11 going to try to bring this in real quick.                  12 We've had a lot of problems with Black Dog                  13 Alley road from Dover Road down to the bottom                  14 of the hill past Eric Harvey's. And it's                  15 bleeding terribly because of this temperature.                  16 So I have the money in our budget. And                  17 this would be our fifth project in less than                  18 two months that we've paved in-house, very big                  19 projects. And I'd like permission to pave.                  20 It's going to be between 25 and \$30,000                  21 in-house.</p>	<p>1 MR. PACK: I said it needs to be                  2 straightened out anyway.                  3 MR. EDWARDS: It does. And the good thing                  4 is what we're doing to improve it won't have to                  5 be torn out because the grade of the new road,                  6 if we ever widen, would come up.                  7 So it's just like we did at Goldsborough                  8 Neck. We don't have to tear out what we're                  9 fixing.                  10 And this will get a lot of people off our                  11 back about the structure of the road and the                  12 tar. And it's just nine inches of tar and                  13 slurry seal. It's just bleeding terrible.                  14 MR. PACK: We don't have a write-up on                  15 this?                  16 MR. EDWARDS: No.                  17 MR. HOLLIS: It was just for your                  18 information.                  19 MR. EDWARDS: Yes. Normally I would do                  20 it, but with all this COVID stuff and finances.                  21 MR. CALLAHAN: So you're taking part of</p>

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1 that road, that nine inches off?

2 MR. EDWARDS: No. We're paving.

3 MR. CALLAHAN: You're going on top?

4 MR. EDWARDS: Right over top of it. This

5 would give us a solid road, eliminates the tar

6 and bleeding through it.

7 It's a pretty good Band-Aid, for lack of a

8 better word, that will buy us a couple of

9 years, other than we are not changing the

10 shoulders. There is no shoulder and will be

11 none until we widen the road.

12 But we do have it posted, and that's

13 worked out very well.

14 MR. CALLAHAN: Let me ask you just a

15 question. Why wouldn't we just go ahead and do

16 it right the first time?

17 MR. EDWARDS: Well, that's fine. But

18 timing is one thing. So when you go to do this

19 right, you would call what we're doing, what

20 I'm requesting to do now, you would call it

21 wedge and leveling. So once you widen the

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1 road, you put the ditches where they belong,

2 you put your base in, you tie into the

3 existing, then you would raise the road by

4 wedge and leveling with asphalt.

5 So all we're really doing is wedge and

6 leveling an inch and a half to give you a

7 smooth surface and take care of the tar issue.

8 We're not losing a dime. It will be --

9 MR. CALLAHAN: I was just really going off

10 of what -- the phenomenal job you did on Glebe

11 Road. You did that. It felt like you did it

12 in two, three weeks.

13 MR. EDWARDS: It was about six, but thank

14 you.

15 MR. CALLAHAN: I'm serious. And you did

16 an excellent job.

17 I mean is there an opportunity -- how long

18 would it take you to do that half a mile?

19 MR. EDWARDS: Ray is gone.

20 MR. CALLAHAN: Would it take you a month?

21 MR. EDWARDS: I don't want to speak for

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1 Ray, but our conversations have been between

2 two to \$3 million. But the problem is you got

3 to get property right of way.

4 MR. CALLAHAN: Doesn't you have all the

5 product, though?

6 MR. EDWARDS: We have the product to do

7 it, but not the asphalt. We would have to buy

8 the asphalt. But it's going to take a year to

9 get that done.

10 MR. CALLAHAN: Okay.

11 MR. EDWARDS: The right of way and all

12 that, when and if it's ever approved.

13 And then that would have to go to the top

14 of the hill because that pipe is going bad. So

15 that would add a little bit more to the

16 project. If you know what I'm talking about

17 when you go back up, that real big pipe, that's

18 on our radar.

19 MR. CALLAHAN: So run by me again how much

20 this is going to --

21 MR. EDWARDS: Somewhere between two and a

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1 half to \$3 million. This?

2 MR. CALLAHAN: The Band-Aid is going to

3 cost that much?

4 MR. EDWARDS: Between 25, 30,000. I might

5 have to do some more wedging. That's why I put

6 that extra little bit of money in there.

7 MR. CALLAHAN: I just hesitate because it

8 sounds like to me we're just putting like icing

9 on the cake. But the safety aspect is just

10 falling off the road is not to change it?

11 MR. EDWARDS: Well, that's why I'm only

12 putting an inch and a half so we're not raising

13 the edge of the road that much.

14 But the problem is every time it gets over

15 85 degrees and it's humid, like I got pictures

16 on my phone I can bring up and show you right

17 now. It's splattering on people's cars like

18 rainwater. It's that bad.

19 We put sand out tonight. Had to take a

20 truck out there and put sand on it, it's that

21 bad.

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1 And it's not because what we did last  
 2 year, which people want to blame us for what we  
 3 did, but it's not. It's because it's so much  
 4 slurry and tar under there, it's just when it  
 5 heats up, it just comes out and bubbles.  
 6 MR. CALLAHAN: I think Council needs to  
 7 sort of start thinking about that road because  
 8 I'm a little uncomfortable dumping 25, 30,000  
 9 into it for a Band-Aid, but if that's what we  
 10 got to do.  
 11 MS. PRICE: Compared to two and a half to  
 12 3 million. M, million, with an M.  
 13 MR. CALLAHAN: That number sounds high to  
 14 me.  
 15 MR. EDWARDS: Well, you're going a lot  
 16 further. You're going double. You're going  
 17 about a mile when you do the road widening.  
 18 When you're going up the hill, actually just  
 19 about across from Brian.  
 20 MR. HOLLIS: But be clear so Mr. Callahan  
 21 understands this. This roadwork does not at

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1 all address the safety issue on Black Dog  
 2 Alley.  
 3 MR. CALLAHAN: That's my whole point. I  
 4 was really trying to do it from Dover Road just  
 5 past Eric Harvey. That's the safety issue,  
 6 between that little quarter of a mile, because  
 7 of that bend and it just dips right off. I  
 8 just --  
 9 MS. PRICE: Can we have this conversation  
 10 later? It's ten o'clock and we have a whole  
 11 bunch more.  
 12 MR. CALLAHAN: Well, I know it. But it's  
 13 a really safety aspect of that road.  
 14 MS. PRICE: It is. But it's also a big  
 15 ticket item that requires more than a  
 16 ten o'clock conversation.  
 17 MR. CALLAHAN: I know.  
 18 MR. DIVILIO: You got a truckload of sand  
 19 on a main road right now because there's such a  
 20 bad problem with it. That's not a good  
 21 scenario.

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1 MR. CALLAHAN: Yeah.  
 2 MR. EDWARDS: We had to do four or five  
 3 this weekend. And it just depends on the  
 4 slurry that's under them, because the slurry  
 5 gets between the layers of the tar and it just  
 6 oozes out, like you can pick it up.  
 7 MR. CALLAHAN: Can you think about what we  
 8 talked about tonight and think about to Dover  
 9 Road just past Eric's and see what that would  
 10 cost and then we do just sort of patch from  
 11 there on?  
 12 MR. EDWARDS: You mean to wedge and level?  
 13 MR. CALLAHAN: Yeah, right.  
 14 MR. EDWARDS: I mean I could do it under  
 15 15 or \$20,000 if that's as far as you want to  
 16 go, but the tar is bleeding to the bottom of  
 17 the hill.  
 18 MR. HOLLIS: So why don't we take an  
 19 opportunity to meet out on sight? You had  
 20 offered to do that before. Maybe the three of  
 21 us could do that.

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1 MR. CALLAHAN: Great idea.  
 2 MR. DIVILIO: Can I just ask one quick  
 3 question?  
 4 MR. HOLLIS: Oh, sure.  
 5 MR. DIVILIO: If we spend 30 grand now to  
 6 wedge and level, are we wasting that money?  
 7 MR. EDWARDS: Not a dime of it. We're  
 8 going to raise that road up at least  
 9 five inches with asphalt when we do the new  
 10 work. It's that low. It's like this. So  
 11 you're not wasting one nickel.  
 12 I can show you, if I can approach you --  
 13 MR. PACK: That's okay. You're fine.  
 14 MR. CALLAHAN: No.  
 15 MR. PACK: Are we good?  
 16 MR. CALLAHAN: We're good.  
 17 MR. PACK: I need a motion.  
 18 MR. HOLLIS: No, you don't. That was just  
 19 for your information.  
 20 MR. EDWARDS: Not asking for the money. I  
 21 have the money in the budget.

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1 MR. PACK: I was starting to get glazed  
 2 over. Good-bye, Mr. Edwards. That's enough,  
 3 good-bye.  
 4 MR. EDWARDS: Thank you.  
 5 MR. PACK: All right. Come on up here,  
 6 Mr. Stamp. Let's see if we can get you done  
 7 before midnight.  
 8 MR. STAMP: I was going to see if Warren  
 9 wouldn't just do my presentation for me, but  
 10 may be best if he goes now.  
 11 MR. EDWARDS: Thank you, Clay.  
 12 MR. STAMP: You're good.  
 13 MR. HOLLIS: So Clay has several items.  
 14 The first is requesting your approval to  
 15 hire two new communications specialists.  
 16 Funding for both positions come through  
 17 enhanced 911 fees.  
 18 The State of Maryland commissioned a 911  
 19 center staffing study for all the centers in  
 20 Maryland to determine optimal staffing. These  
 21 two new communications specialist positions

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1 will align with the recommended staffing report  
 2 of five persons per shift.  
 3 How is that?  
 4 MR. STAMP: I think you did a good job.  
 5 So I would only be repeating what Andy said.  
 6 As you know, the legislature went through  
 7 a significant process to prepare for next  
 8 generation 911, which is going to take 911  
 9 centers from circuit switch technology, or old  
 10 rotary dial telephone basically, to your iPhone  
 11 technology. This allows you to text to 911,  
 12 video to 911. It's going to actually put the  
 13 911 center on the world wide web.  
 14 So to line up for that process, they  
 15 renewed the fees for the phones, your phone  
 16 charges. What they did with the local  
 17 government was they took a 75-cent fee that we  
 18 normally get now per bill and they made it per  
 19 phone. So if you have one account, you used to  
 20 pay 75 cents. If you have four phones on that  
 21 account, now you pay 75 cents times four. So

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1 that's going to increase our revenue.  
 2 We also, the other thing that they've done  
 3 is that the trust fund that they collect with a  
 4 25-cent charge, they raised to 50 cents per  
 5 bill to now per phone. So the trust fund is  
 6 going to get a lot more money. And the State  
 7 legislature passed laws to allow them to cover  
 8 things that they couldn't in the past.  
 9 Some of the things are connectivity to  
 10 fiber runs, maintenance on some of our  
 11 equipment. So it's going to save us a great  
 12 deal of money.  
 13 So we estimate that we're going to see an  
 14 additional \$163,542 in our billing. I'm sorry.  
 15 Our local fee. And then this money saved  
 16 annually from things that they weren't able to  
 17 pay for that they're going to pay for now is  
 18 258,000. So that's a combination of \$421,542.  
 19 So our ask tonight is for the positions,  
 20 which is a total of 191,893. So we have the  
 21 money to pay for what we need to do. That's

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1 number one.  
 2 Number two, as Andy said, the State  
 3 commissioned a study that all 911 centers  
 4 participated in. And the study recommended the  
 5 two additional communications specialists and  
 6 actually a CAD GIS technician. So the money is  
 7 there. This is a priority. And --  
 8 MS. PRICE: This is one of those times  
 9 when this is great. I mean this was a MACo  
 10 initiative, as you know, a couple of years ago.  
 11 We worked really hard. We worked with the  
 12 legislators to get this to happen, do the study  
 13 first and then we worked -- all the counties  
 14 worked together to get this done.  
 15 So it is really nice to see the benefits  
 16 now in people and in seeing it come back. You  
 17 work for it for a couple of years.  
 18 And so this one I would happily for both  
 19 the communications and the GIS altogether as  
 20 one motion to approve those three positions.  
 21 MR. HOLLIS: So just let me, for the

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<p>1 record, the money is coming out of contingency.                  2 You have 2,204,000, of which you've used none.                  3 So the money is available.                  4 MS. PRICE: But you're going to get the                  5 money back in the fees?                  6 MR. STAMP: For this ask, yes.                  7 MR. PACK: So you're going to be                  8 reimbursing the contingency when this money                  9 comes back in, yes?                  10 MS. LANE: Well, no. Revenues have to                  11 stay in revenues. We can't offset --                  12 MR. STAMP: We just received our third                  13 quarter revenue. And so money is flowing in to                  14 offset the cost that we're seeing.                  15 We probably won't end up getting the                  16 people on for at least another 30 to 45 days.                  17 So I think the money will be there to make the                  18 payments.                  19 MR. PACK: You can't offset revenues. But                  20 at the end of FY21, you should have a savings                  21 then?</p>	<p>1 MR. DIVILIO:                  2 MR. PACK: Next matter.                  3 MR. STAMP: So again, so there will be                  4 actually a savings of about \$231,000 that we                  5 will have that we didn't have in the past to                  6 run the 911 center. Okay.                  7 Moving on to the next item, is a request                  8 for the Department of Emergency. . .                  9 MR. HOLLIS: Go ahead.                  10 MR. STAMP: I'm sorry.                  11 MR. HOLLIS: I'm just (inaudible). Go                  12 ahead.                  13 MR. STAMP: Request from the Department of                  14 Emergency to utilize FY21 contingency funds for                  15 the maintenance and inspection of Stryker power                  16 load and power stretchers for the ambulances.                  17 MR. HOLLIS: \$33,805.                  18 MR. STAMP: Right. So this, I mean there                  19 are things that we have made conscious                  20 decisions to go time and materials on, take the                  21 risk. And we've made out when we've made those</p>
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<p>1 MS. LANE: Yes.                  2 MS. PRICE: So if it's okay with Council,                  3 I'll make a motion for letters D and E for the                  4 two new communications specialist positions and                  5 the new CAD GIS specialist position, knowing                  6 that we're going to be having the revenues to                  7 offset that.                  8 MR. LESHER: Second.                  9 MR. PACK: Any further discussion?                  10 Hearing none, Madam Secretary, please call                  11 your roll.                  12 SECRETARY: Mr. Pack.                  13 MR. PACK: Aye.                  14 SECRETARY: Mr. Divilio.                  15 MR. DIVILIO: Aye.                  16 SECRETARY: Mr. Callahan.                  17 MR. CALLAHAN: Aye.                  18 SECRETARY: Ms. Price.                  19 MS. PRICE: Aye.                  20 SECRETARY: Mr. Leshner.                  21 MR. LESHER: Aye.</p>	<p>1 decisions on some things.                  2 This is something I don't want to risk. I                  3 mean this is a stretcher. These are the power                  4 stretchers that carry people up and down                  5 stairs. We carry and put them in the units.                  6 We have to keep them under maintenance.                  7 So this is a very important expense that I                  8 would request your consideration.                  9 MS. PRICE: I make a motion for the                  10 approval of the maintenance of the medical                  11 stretchers for 33,805.                  12 MR. LESHER: Second.                  13 MR. HOLLIS: And just for the record, it's                  14 coming out of contingency.                  15 MR. PACK: But you'll have a savings. So                  16 come June of 2021, you should see a savings.                  17 MS. PRICE: Yeah. Wait until his next                  18 ask. It's going to get really thin.                  19 MR. PACK: I'm looking at that.                  20 Madam Secretary, please call your roll.                  21 SECRETARY: Mr. Pack.</p>

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1 MR. PACK: Aye.  
 2 SECRETARY: Mr. Divilio.  
 3 MR. DIVILIO: Aye.  
 4 SECRETARY: Mr. Callahan.  
 5 MR. CALLAHAN: Aye.  
 6 SECRETARY: Ms. Price.  
 7 MS. PRICE: Aye.  
 8 SECRETARY: Mr. Leshner.  
 9 MR. LESHER: Aye.  
 10 MR. PACK: Next matter.  
 11 MR. HOLLIS: My turn?  
 12 MS. PRICE: You're just the middle man,  
 13 Mr. Hollis.  
 14 MR. STAMP: Don't do that.  
 15 MR. HOLLIS: That's fine. It's always  
 16 been that way with Mr. Stamp.  
 17 Mr. Stamp is asking for approval to  
 18 utilize FY21 contingency funds in the amount of  
 19 \$220,998 to enhance the EMS surge unit that you  
 20 all had approved previously. He wants that  
 21 coverage increased from three days per week to

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1 seven days per week.  
 2 MR. STAMP: So yes. So here is a little  
 3 background, here is what I would propose.  
 4 I was in here at budget time. We went  
 5 through some graphs and charts. So you know  
 6 that we try to achieve eight-minute response  
 7 time. You know that our volunteer fire service  
 8 partners, who do a wonderful job, struggle in  
 9 the area of EMS. You know that we're seeing a  
 10 hole in the north end of the county that needs  
 11 to be filled. You know that Easton is becoming  
 12 so busy that we need additional units. There's  
 13 a lot of reasons for that, but clearly the need  
 14 is there.  
 15 Presently we are experiencing an  
 16 increasing number of times when we don't have a  
 17 unit available. And fortunately, you allowed  
 18 me to add a surge unit on in January that gave  
 19 us capacity on Monday, Wednesday, and Fridays,  
 20 because those were our peak days.  
 21 We put together the budget plan that we

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1 would come in and we would try to move that to  
 2 seven 12-hour shifts a week. So seven days a  
 3 week, just 12 hours. And during that first  
 4 year, we would look for property on the north  
 5 end of the county and figure out where we might  
 6 be able to either co-locate with Cordova Fire  
 7 Company and/or build a building that we could  
 8 work into the second year.  
 9 In the second year, we would look to going  
 10 to a 24-hour solution for the sixth crew.  
 11 Also, we understood that some of this is  
 12 certainly contingent upon what happens with the  
 13 referendum on our tax cap situation.  
 14 So I'm here today instead of asking for  
 15 the seven days, what I would recommend or ask  
 16 you to consider is that instead of seven days a  
 17 week, doing five days a week. And if we do  
 18 five days a week, I won't have to hire new  
 19 individuals. I would cover that with part time  
 20 and overtime. So we wouldn't have the  
 21 commitment of full time, having to hire

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1 full-time individuals. That would be an  
 2 additional \$56,000. The total would be --  
 3 we're paying \$85,212 right now to cover three  
 4 days a week. And that would bump it up to  
 5 \$142,020 to give us five days a week.  
 6 And then what we could do is reassess it  
 7 when we get into December and January. We can  
 8 do a reassessment to see, number one, whether  
 9 the referendum passes. And number two, what  
 10 our experience is.  
 11 But I can tell you right now, I do need  
 12 that unit five days a week. I think that's the  
 13 compromise I would come to you with to consider  
 14 on this ask.  
 15 MS. PRICE: I appreciate that, especially  
 16 since you don't have to -- the staff that you  
 17 have could probably use the additional money.  
 18 And it saves a lot because you don't have to  
 19 include additional benefits.  
 20 I think that I really appreciate it  
 21 because this is the kind of thing where, yeah,

Page 274	<p>1 we can see where the ballot stuff goes in</p> <p>2 November.</p> <p>3 So I would make the motion for your ask of</p> <p>4 taking a surge unit to five days a week, 12</p> <p>5 hours a day.</p> <p>6 MR. CALLAHAN: Second it.</p> <p>7 MR. PACK: Any further discussion?</p> <p>8 I'm hesitant. I mean I would like to see</p> <p>9 what happens in November first. I think you're</p> <p>10 kind of putting the cart a little bit in front</p> <p>11 of the horse on this one, but. . .</p> <p>12 MR. LESHER: Mr. Pack, whether we continue</p> <p>13 at the current level of three days a week or go</p> <p>14 to five days a week or end this program</p> <p>15 entirely, we're spending the savings account.</p> <p>16 We have a case. We need this. This is</p> <p>17 about public safety. This is about saving</p> <p>18 lives.</p> <p>19 I think that we go ahead and do this and</p> <p>20 we make the case with the voters in November to</p> <p>21 backfill this funding because it's about saving</p>	Page 276	<p>1 \$23,640 to purchase four mobile radios.</p> <p>2 MR. PACK: Motion?</p> <p>3 Is this funding also contingency?</p> <p>4 MR. HOLLIS: This is capital outlay.</p> <p>5 MR. PACK: Capital outlay, okay.</p> <p>6 MR. HOLLIS: You have 1.6 in capital</p> <p>7 outlay.</p> <p>8 MR. PACK: 1.6, okay.</p> <p>9 MR. STAMP: Just for --</p> <p>10 MR. HOLLIS: I'm sorry. You had 1.6</p> <p>11 originally. You're down to 1.2.</p> <p>12 MR. PACK: 1.2.</p> <p>13 MR. HOLLIS: Yeah. Sorry, Clay.</p> <p>14 MS. PRICE: You want to talk about all</p> <p>15 three because the ambulance is the biggy?</p> <p>16 MR. STAMP: So just for clarity, these are</p> <p>17 asks for other departments. So these radios</p> <p>18 are between the Roads Department and the</p> <p>19 Sheriff's Department. They're not DES radios.</p> <p>20 We order, we maintain, we install radios.</p> <p>21 But the ask comes to DES.</p>
Page 275	<p>1 lives.</p> <p>2 MS. PRICE: I mean he cut it from \$220,000</p> <p>3 to 50 something thousand dollars. I think</p> <p>4 that's reasonable. And I'm the one who is</p> <p>5 usually the tightwad up here.</p> <p>6 MR. PACK: Just I'm concerned. That's</p> <p>7 all. I'm just concerned.</p> <p>8 But nonetheless, Madam Secretary, call</p> <p>9 your roll.</p> <p>10 SECRETARY: Mr. Pack.</p> <p>11 MR. PACK: Aye.</p> <p>12 SECRETARY: Mr. Divilio.</p> <p>13 MR. DIVILIO: Aye.</p> <p>14 SECRETARY: Mr. Callahan.</p> <p>15 MR. CALLAHAN: Aye.</p> <p>16 SECRETARY: Ms. Price.</p> <p>17 MS. PRICE: Aye.</p> <p>18 SECRETARY: Mr. Leshner.</p> <p>19 MR. LESHER: Aye.</p> <p>20 MR. HOLLIS: Requesting your approval to</p> <p>21 utilize FY21 capital outlay in the amount of</p>	Page 277	<p>1 This was an ask by them for the budget</p> <p>2 year.</p> <p>3 MR. PACK: Okay. Do we have a motion for</p> <p>4 the four radios, \$23,640? Is there a motion?</p> <p>5 MR. LESHER: So moved.</p> <p>6 MR. PACK: Moved by Mr. Leshner. Is there</p> <p>7 a second?</p> <p>8 MR. DIVILIO: Two?</p> <p>9 MR. PACK: I said four, four radios.</p> <p>10 MR. HOLLIS: Four.</p> <p>11 MS. LANE: Four mobile and four portable.</p> <p>12 MR. PACK: He only asked for the first</p> <p>13 four. We can do all eight of them together.</p> <p>14 MR. STAMP: We can combine them.</p> <p>15 MR. HOLLIS: Whatever Council would like</p> <p>16 is fine.</p> <p>17 MR. PACK: I mean he only asked for the</p> <p>18 first four. So that's why I did the first</p> <p>19 four. Let's take it as he asked.</p> <p>20 So there's a motion for the first four for</p> <p>21 \$23,640. That's what he asked for.</p>

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1 MR. HOLLIS: And you have a motion and a  
 2 second.  
 3 MR. PACK: Okay. Madam Secretary, call  
 4 your roll.  
 5 SECRETARY: Mr. Pack.  
 6 MR. PACK: Aye.  
 7 SECRETARY: Mr. Divilio.  
 8 MR. DIVILIO: Aye.  
 9 SECRETARY: Mr. Callahan.  
 10 MR. CALLAHAN: Aye.  
 11 SECRETARY: Ms. Price.  
 12 MS. PRICE: Aye.  
 13 SECRETARY: Mr. Lesher.  
 14 MR. LESHER: Aye.  
 15 MR. HOLLIS: So the second ask is approval  
 16 for FY21 capital outlay in the amount of 12,870  
 17 to purchase four portable radios.  
 18 MR. PACK: Are these in-house or are these  
 19 also other agencies?  
 20 MR. STAMP: Other agencies.  
 21 MR. PACK: Other agencies. Is there a

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1 motion for the 12,870 for four portables?  
 2 MS. PRICE: I'm just curious. I assume  
 3 you know for the mobile radios and portable  
 4 radios which departments they're for.  
 5 MR. STAMP: Both mobile and portable are  
 6 for Roads Department and to the Sheriff's  
 7 Department.  
 8 MS. PRICE: So that's why you (inaudible)  
 9 at Mr. Edwards, you said you'd ask for him,  
 10 huh, because he had asked for enough?  
 11 MR. STAMP: No, but that sounds good.  
 12 MR. LESHER: Move to approve.  
 13 MR. PACK: Thank you, Mr. Lesher. Is  
 14 there a second?  
 15 MS. PRICE: Second.  
 16 MR. PACK: Seconded by Ms. Price. Any  
 17 further discussion.  
 18 Hearing none, Madam Secretary, call the  
 19 roll.  
 20 SECRETARY: Mr. Pack.  
 21 MR. PACK: Aye.

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1 SECRETARY: Mr. Divilio.  
 2 MR. DIVILIO: Aye.  
 3 SECRETARY: Mr. Callahan.  
 4 MR. CALLAHAN: Aye.  
 5 SECRETARY: Ms. Price.  
 6 MS. PRICE: Aye.  
 7 SECRETARY: Mr. Lesher.  
 8 MR. LESHER: Aye.  
 9 MR. HOLLIS: And the last ask would be the  
 10 big one. So requesting your approval to  
 11 utilize capital outlay funds in the amount of  
 12 \$300,000 to purchase a new ambulance.  
 13 It has a significant lead time of how many  
 14 months, Clay?  
 15 MR. STAMP: Six to eight.  
 16 MS. LANE: It's usually longer.  
 17 MR. STAMP: It may be longer now with  
 18 COVID.  
 19 This is our chart that we use. This looks  
 20 at the units by mileage and by year. And we  
 21 follow this in order to make sure that we're

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1 not running ambulances unsafe on the highway.  
 2 In order to keep five ambulances running,  
 3 we have nine ambulances. And we need all nine  
 4 to keep five running. We put a lot of miles on  
 5 these. They cover the roads every day day in  
 6 and day out.  
 7 This unit would be replacing actually it's  
 8 the old Tilghman ambulance that we bought from  
 9 them. It's a 2001 and it has 101,000 miles on  
 10 it. And this unit would be replacing that.  
 11 And of course, if we order it in August,  
 12 we probably won't see it until March of next  
 13 year. So if --  
 14 MS. PRICE: When do we pay for it,  
 15 upfront, over time?  
 16 MR. STAMP: No. We pay for it when we  
 17 receive it.  
 18 MS. PRICE: When you revenue it?  
 19 MR. STAMP: Yes. And so if we want to  
 20 stay on schedule to keep these units in safe  
 21 working order, we need to make this purchase



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1 this year.

2 MS. PRICE: When's the last time we

3 skipped a year? It wasn't that long ago.

4 MR. STAMP: No, I don't think it was. But

5 I don't have that in front of me. I don't want

6 to misquote what year it was.

7 MS. PRICE: It was just two or three years

8 ago.

9 MR. STAMP: Every once in a while we're

10 able to skip a year.

11 MR. HOLLIS: So your capital outlay at the

12 start of the evening was \$1,258,000.

13 MR. STAMP: So I would ask your

14 consideration to fund the ambulance.

15 MR. PACK: I'm concerned. Right now

16 through COVID, we're not making a lot of runs;

17 are we?

18 MR. STAMP: I'm sorry?

19 MR. PACK: Right now with the pandemic,

20 we're not making a lot of runs?

21 MR. STAMP: We were not making a lot of

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1 runs.

2 We are making a lot of runs. As a matter

3 of fact, we're making more runs this year than

4 we made last year at this time, which would be

5 expected. But it's come back with furry.

6 But your point is correct. We were down

7 18 to 22 percent during the three months when

8 people were afraid to dial 911 because they

9 didn't want to go to the hospital for fear of

10 catching the COVID disease.

11 And we are even doing PSAs now to

12 encourage people not to stay at home.

13 As a matter of fact, the statewide data, I

14 don't want to get off the topic too much, the

15 statewide data indicates there's a sharp

16 incline in the number of at-home deaths from

17 cardiac arrest throughout the State of Maryland

18 in the three months of February through June,

19 actually February through June. And we believe

20 it's because of that.

21 But no. The numbers are back. We are

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1 running these things. As a matter of fact, the

2 surge unit Monday, Wednesday, and Friday, they

3 came in today, and we had all units called out

4 and we didn't have the surge unit today. So I

5 was hoping that we did, but we didn't.

6 The mileage is the mileage. If we want to

7 take a gamble and run higher mileages on the

8 units, then that's what we'll have to do. It's

9 not what we prefer to do.

10 MR. CALLAHAN: Right. So you run five

11 every day?

12 MR. STAMP: Yup.

13 MR. CALLAHAN: So the other four are over

14 here?

15 MR. STAMP: Rotate them through to keep

16 our mileage down on the fleet.

17 MR. LESHER: Move to approve.

18 MR. STAMP: If we only had five, then we'd

19 hit 100,000 a lot quicker.

20 MR. CALLAHAN: I was just wondering when

21 you rotate them, do you rotate them every

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1 shift?

2 MR. STAMP: Not necessarily. We watch the

3 mileage.

4 MR. CALLAHAN: But there's four sitting?

5 MR. STAMP: Yeah. Well, three sitting

6 when we run the surge unit.

7 MR. CALLAHAN: Okay.

8 MS. PRICE: Second.

9 MR. PACK: Okay.

10 MS. PRICE: It's not easy. It's not easy,

11 but it's public safety. It's an ambulance.

12 Yeah (inaudible) occasionally. Better skip a

13 year next year, though.

14 MR. STAMP: I'm sorry?

15 MS. PRICE: You're going to have to start

16 using your bicycle next year.

17 MR. PACK: This has a lag time of eight

18 months to nine months. So if we made this

19 purchase in December, you would get it. . .

20 MS. PRICE: Next fiscal year.

21 MS. LANE: It would be next fiscal year.

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1 MR. PACK: Next fiscal year, right.  
 2 MS. PRICE: How would you feel about that?  
 3 MS. LANE: Your finance director would  
 4 prefer not to push anything into the next  
 5 fiscal year. I would much rather absorb it in  
 6 this fiscal year. I am much more concerned  
 7 about next fiscal year.  
 8 MS. PRICE: One hundred percent.  
 9 MR. PACK: All right. With Ms. Lane's  
 10 recommendation, Madam Secretary, call your  
 11 vote.  
 12 SECRETARY: Mr. Pack.  
 13 MR. PACK: Aye.  
 14 SECRETARY: Mr. Divilio.  
 15 MR. DIVILIO: Aye.  
 16 SECRETARY: Mr. Callahan.  
 17 MR. CALLAHAN: Aye.  
 18 SECRETARY: Ms. Price.  
 19 MS. PRICE: Aye.  
 20 SECRETARY: Mr. Leshner.  
 21 MR. LESHER: Aye.

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1 MR. HOLLIS: Council, last ask is --  
 2 (inaudible) unless you have more that I don't  
 3 know about.  
 4 MS. PRICE: Is there something else you  
 5 can ask us for?  
 6 MR. STAMP: I think I shall run. Thank  
 7 you. Seriously, thank you all so much.  
 8 I mean it's important for people to see  
 9 and understand the level of commitment we have  
 10 here. And I know you're proud of our service.  
 11 But we do have a top notch service, and it's  
 12 recognized across the state as one of the  
 13 premiere world EMS system.  
 14 So thank you for your support.  
 15 MR. PACK: Thank you.  
 16 MS. PRICE: I figure nobody is watching at  
 17 10:30, (inaudible) reporter is still on, just  
 18 understand everything we've done tonight is  
 19 coming out of the piggy bank, like Mr. Leshner  
 20 said.  
 21 MR. PACK: Next matter.

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1 MR. HOLLIS: A letter of support for  
 2 Phillips Wharf Environmental Center. \$40,000  
 3 to the Maryland Agriculture Education and World  
 4 Development Assistance fund for an education  
 5 director position. No county funds.  
 6 MR. PACK: Is there a motion?  
 7 MR. LESHER: So moved.  
 8 MR. PACK: By Mr. Leshner.  
 9 MR. DIVILIO: Second.  
 10 MR. PACK: Seconded by Mr. Divilio. Any  
 11 further comment, question?  
 12 Hearing none, Madam Secretary, call your  
 13 roll.  
 14 SECRETARY: Mr. Pack.  
 15 MR. PACK: Aye.  
 16 SECRETARY: Mr. Divilio.  
 17 MR. DIVILIO: Aye.  
 18 SECRETARY: Mr. Callahan.  
 19 MR. CALLAHAN: Aye.  
 20 SECRETARY: Ms. Price.  
 21 MS. PRICE: Aye.

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1 SECRETARY: Mr. Leshner.  
 2 MR. LESHER: Aye.  
 3 MR. PACK: Next matter.  
 4 MR. HOLLIS: One quick announcement. The  
 5 US Army Aberdeen Test Center is conducting  
 6 drills July 20th to the 31st, August 3rd to the  
 7 4th, excluding weekends. People may here large  
 8 noise, large booms, and they may see visibility  
 9 impacted in terms of explosions. I'm only  
 10 saying this --  
 11 MR. PACK: Where is this?  
 12 MR. HOLLIS: Aberdeen Proving Grounds.  
 13 MR. PACK: Oh, Aberdeen.  
 14 MR. HOLLIS: Numerous phone calls about  
 15 it, one was at four a.m. So it's already in  
 16 The Star Democrat.  
 17 We're just letting people know. There is  
 18 a number to call if they have questions and  
 19 we'll be happy to provide it to them.  
 20 MR. PACK: We're hearing booms from  
 21 Aberdeen?

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1 MR. HOLLIS: Correct.

2 MR. PACK: What are they exploding?

3 MR. HOLLIS: That's what we were told it

4 was from. I'm going with that.

5 MR. PACK: Aberdeen?

6 MR. HOLLIS: That's all, Council. Thank

7 you.

8 MR. PACK: Ms. Moran, do you have my sheet

9 for me for public comment?

10 SECRETARY: No one signed up.

11 MR. PACK: No one signed up. Anyone here

12 for public comment?

13 MS. PRICE: When you have a

14 four-and-a-half-hour meeting, that doesn't

15 happen.

16 MR. PACK: Council comment. Mr. Divilio,

17 welcome back from your vacation.

18 MR. DIVILIO: Thank you. No comment at

19 this time.

20 MR. PACK: No comment. Mr. Callahan, you

21 haven't taken vacation yet. Where are you off

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1 to?

2 MR. CALLAHAN: I need one. No. I'm good.

3 MR. PACK: Ms. Price.

4 MS. PRICE: No comment.

5 MR. PACK: Mr. Leshner.

6 MR. LESHER: No comments.

7 MR. PACK: I saw you out sailing this

8 weekend. Had a good time.

9 Only comments is that we heard from our

10 health officer just today. And I know we're

11 going to ask Mr. Kupersmith to look at drafting

12 some language for us.

13 This is a very, very serious matter. And

14 so I hope that we continue working with our

15 health officer and our emergency services

16 director and spreading the word that people

17 need to stay vigilant as we proceed through

18 this.

19 We're going to be going into our fall and

20 winter months coming up pretty soon. I know it

21 doesn't feel like it right now with the

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1 90-degree temperature that we're having. But

2 my fear is that we're going to turn the corner

3 into October and December, and if we're not

4 careful, see a really bad bounce back. So we

5 need to take the precautions today so we can

6 have a very nice holiday tomorrow. So let's

7 keep doing that.

8 Council, next meeting will be held on

9 July 28th. That's Tuesday, July 28th. It will

10 begin at six p.m. here in the Bradley Meeting

11 Room. The Council will be convening in open

12 session at 4:30 and then immediately adjourning

13 into closed session to discuss real estate,

14 legal, personnel matters as listed on the

15 statement for closing that meeting.

16 Madam Secretary, I've reached the end of

17 my agenda. Do you have anything further?

18 SECRETARY: I do not.

19 MR. PACK: Hearing none, Council, we are

20 adjourned.

21 (Meeting concluded at: 10:30 p.m.)

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1 STATE OF MARYLAND

2 I, Diane Houlihan, a Notary Public in and

3 for the State of Maryland, County of Anne Arundel,

4 do hereby certify that the within named, Talbot

5 County Council Audio, personally appeared before me

6 at the time and place herein set according to law,

7 was interrogated by counsel.

8 I further certify that the examination was

9 recorded stenographically by me and then transcribed

10 from my stenographic notes to the within printed

11 matter by means of computer-assisted transcription

12 in a true and accurate manner.

13 I further certify that the stipulations

14 contained herein were entered into by counsel in my

15 presence.

16 I further certify that I am not of counsel


17 to any of the parties, not an employee of counsel,

18 nor related to any of the parties, nor in any way

19 interested in the outcome of this action.

20 AS WITNESS my hand Notarial Seal this 31st

21 day of July, 2020 at Eastern MD

14 

15 \_\_\_\_\_

16 Diane Houlihan

17 Notary Public

18

19

20 My commission expires September 16, 2021

21

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