



Talbot County, Maryland



Easton, Maryland

MINUTES

April 27, 2010

Present – President Levin F. Harrison, IV, Vice President Philip Carey Foster, Dirck K. Bartlett, Thomas G. Duncan, Corey W. Pack, County Manager R. Andrew Hollis and County Attorney Michael Pullen.

I. Agenda – Agenda of April 27, 2010 was approved upon motion by Mr. Duncan, seconded by Mr. Pack, with the Council voting 5 - 0 as follows:

Mr. Harrison – Aye
Mr. Pack – Aye
Mr. Duncan - Aye
Mr. Foster – Aye
Mr. Bartlett – Aye

II. Disbursements – Disbursements of April 27, 2010 were approved upon motion by Mr. Bartlett, seconded by Mr. Foster, with the Council voting 5 - 0 as follows:

Mr. Harrison – Aye
Mr. Pack – Aye
Mr. Duncan - Aye
Mr. Foster – Aye
Mr. Bartlett – Aye

III. Council Recognition of Talbot County Department of Parks & Recreation – Rick Towle, Director, Talbot County Parks & Recreation; Laura Ambler, Graphic Artist, The Ambler Co., Inc.; Debbi Dodson, Director, Talbot County Office of Tourism; Nina Wahl, Tourism Coordinator, Talbot County Office of Tourism - The Council recognized the Talbot County Department of Parks & Recreation on their recent Writing, Research and Audio Visual Award from the Maryland Recreation & Parks Association related to production of the Talbot County Bike Trail Map. Mr. Towle thanked all those who had contributed to the design of the map and the information included in same.

Mr. Harrison presented the Proclamation to Rick Towle, who accepted on behalf of the Talbot County Department of Parks & Recreation.

V. Presentation on Proposed Mid-Atlantic Power Pathway (MAPP) Project – Cathy Bassett, CMBassett Consulting, LLC; Jerry Elliott, Vice President, Delmarva Power (Retired) – Ms. Bassett and Mr. Elliott briefed the Council on the Mid-Atlantic Power Pathway (MAPP) Project as proposed by Delmarva Power and their parent company, Pepco Holdings, Inc. Ms. Bassett advised that the \$1.2 Billion project would provide, in her opinion, much-needed energy for the growing needs of the Delmarva Peninsula, help to stabilize energy prices, improve reliability for consumers by reducing potential blackouts, and create a system for delivering new cleaner energy including wind, solar and nuclear power. She outlined several issues of concern related to current power generation in the region, including that 80% of the power is imported, thus making power more expensive for consumers, and that the system has an aging infrastructure at the Indian River, Delaware and Vienna, Maryland generation facilities, some of which are scheduled to be taken offline in the next two years, further reducing capacity and increasing the likelihood of blackouts. Ms. Bassett and Mr. Elliott reviewed the proposed routes of the 500 kilovolt transmission line needed for the project which will begin in northern Virginia, come across Southern Maryland linking

with the Calvert Cliffs nuclear power plant, under the Chesapeake Bay and through Dorchester County to Wicomico County, ending near Indian River, Delaware. Mr. Elliott briefly outlined the federal and State regulatory procedures related to the project. Council discussion ensued with the Council indicating that they would not take a position on the matter at present. Ms. Bassett referred questions or comments from the general public regarding the proposed MAPP Project to the project's website: www.powermapp@pepcoholdings.com.

VI. Comments on MAPP Project – Morgan Ellis, Regional Land Use Planner, Eastern Shore Land Conservancy – Ms. Ellis presented a request, on behalf of Eastern Shore Land Conservancy (ESLC), that Talbot County wait on issuing support of the MAPP Project, stating that, in the Conservancy's opinion, the need for the project has not yet been proven, but if the need is proven, alternatives other than crossing the Bay need to be thoroughly vetted. Council discussion ensued as to ESLC's specific concerns, with Council advising Ms. Ellis that the Council will consider the matter if and when a decision is made on a route which affects Talbot County. Ms. Ellis concluded her comments by requesting that Council contact Power Plant Research Group to explore what is, in ESCL's opinion, best for Delmarva.

VII. Introduction of Legislation:

Prior to introduction, County Attorney Michael Pullen stated that several years ago when the County adopted legislation to overhaul the procedures of the Talbot County Board of Appeals procedures, language on pre-hearing statements had been generically included; the proposed legislation is simply a housekeeping measure. A BILL TO AMEND CHAPTER 20, "BOARD OF APPEALS" §§ 20-13 AND 20-14 TO ELIMINATE THE REQUIREMENT THAT PARTIES WISHING TO OPPOSE AN APPLICATION FOR A SPECIAL EXCEPTION OR VARIANCE BE REQUIRED TO FILE A "NOTICE OF INTENTION TO PARTICIPATE" AND TO ELIMINATE THE REQUIREMENT THAT APPLICANTS AND THOSE OPPOSING APPLICATIONS FOR A SPECIAL EXCEPTION OR VARIANCE BE REQUIRED TO FILE A PRE-HEARING STATEMENT was introduced by Mr. Bartlett, Mr. Duncan, Mr. Foster, Mr. Harrison, and Mr. Pack as Bill No. 1183. A public hearing was scheduled for Tuesday, May 25, 2010 at 2:00 p.m. in the Bradley Meeting Room, South Wing, 11 North Washington St., Easton, Maryland 21601.

VIII. Quarterly Update by Maryland Environmental Service – Steve Tomczewski, Program Director, Environmental Operations, Maryland Environmental Service; Joe Zimmerman, Director of Finance/Treasurer, Maryland Environmental Service – Mr. Tomczewski briefed the Council on the progress of the Mid-Shore II Regional Landfill for the first quarter of 2010 advising as follows: (1) cell construction activities, including grading and clay liner placement have resumed following winter delays; completion is anticipated in May 2010; cell liner, scale installation, and maintenance and administration building are anticipated to be completed by the end of June 2010; (2) plans for utility relocation work at the MD Rt. 480/River Road intersection have been received from three utility companies; work is scheduled to begin once easements are obtained from property owners - roundabout design at the intersection is nearing completion with regulatory approval anticipated in May 2010; (4) Closure of Mid-Shore I – County Engineer Ray Clarke responded to Council's questions regarding the closure of Mid-Shore I on December 31, 2010 by stating that County Attorney Mike Pullen is in the process of drafting legislation which provides that a transfer station and homeowner drop-off remain at Mid-Shore I following its closure, adding that Mr. Pullen is researching the funding mechanism for same. Mr. Zimmerman stated that Cell 4 of Mid-Shore I was downsized in order to conserve costs in anticipation of the closure of Mid-Shore I on December 31, 2010. Mr. Harrison reiterated Council's intention to keep a transfer station and homeowner drop-off at the Mid-Shore I location. Mr. Tomczewski emphasized that Maryland Environmental Service is trying to keep the tipping fees, currently at \$58 per ton, as low as possible, adding that progress is being made in negotiations with Easton Utilities for a 2 MW generator for the central flare. Mr. Tomczewski concluded his presentation by stating that it had been a pleasure to have worked with County Manager Andy Hollis. Maryland Environmental Service will continue to update the Council on a regular basis.

- IX. Presentation of Request for Approval to Award Aviation Consulting Services at Easton Airport to LPA Group – Mike Henry, Manager, Easton Airport - Mr. Henry requested Council approval to award aviation consulting services to The LPA Group of Raleigh, North Carolina. Mr. Henry stated that the Airport had sent out 19 proposals of which five submittals were received. He continued that the Airport Board had selected three of the five on a short list, and had selected The LPA Group to recommend to the Council for a period not to exceed five (5) years. Upon motion by Mr. Duncan, seconded by Mr. Pack, the Council approved the award by voting 5 – 0 as follows:

Mr. Harrison – Aye

Mr. Pack – Aye

Mr. Duncan - Aye

Mr. Foster – Aye

Mr. Bartlett - Aye

- X. Talbot County Community Center Project:

- Discussion of Proposal from the Lukmire Partnership, Inc. for Phase II (Design Phase) of the Talbot County Community Center Addition Project – Jesse Fearins, Assistant County Engineer, Rick Towle, Director, Parks & Recreation; Jim Cox, Architect, The Lukmire Partnership, Inc. – Council continued their discussion from the April 20, 2010 meeting of the proposed award of Phase II (Design Phase) of the Talbot County Community Center Addition Project to The Lukmire Partnership, Inc. (“Lukmire). Prior to the meeting of April 20, 2010, Lukmire had agreed to reduce their fee by 5%, or approximately \$25,000, reduce the design period to 75 days (not including agency or County reviews), fast track the construction by bidding out the steel building and concrete footings prior to the completion of the final design, and do everything in their power to have the construction close to completion by October 1, 2010. Council discussion continued as to the various aspects of the proposal, including cost of the proposed facility as proposed by the Hospital to be situated on the site, and related work at the site due to rotation of the building, the cost of extension of a dedicated sewer line to the Talbot County Community Center, and the cost of extension of sewer to the Hospital property. Mr. Duncan, who had been unavoidably detained, and could not attend the April 20, 2010 meeting commented that he was concerned about the project, clarifying that no one was opposed to building the Athletic Complex; however, in his opinion, timing is an issue, particularly when the County is committed to extension of sewer to the proposed Hospital site. He added that, in his opinion, the Hospital is the most important focus in the community at present. He commented on a memo dated March 26, 2010 forwarded to the County Manager by Assistant County Engineer, Jesse Fearins expressing concern that fast tracking the proposed Athletic Complex project increases the possibility of mistakes being made. He responded to the suggestion that to proceed with the proposed Athletic Complex project and to borrow monies for extension of the sewer to the Hospital site would, in his opinion, be foolish, when monies for the proposed Athletic Complex could be used to extend sewer to the proposed Hospital site. He stated that, in his opinion, any temporary sewer line to the Talbot County Community Center should be placed on hold until a final decision has been made by the Hospital on the proposed site, adding that the current rate of septic hauling at the Talbot County Community Center will be abated as drier weather approaches. He also questioned the figures provided as to the anticipated cost to operate the proposed addition to the Community Center, citing that during the past ten years, \$4.5 million, or an average of \$450,000 per year, of General Fund monies have been expended on the Talbot County Community Center and Hog Neck Golf Course. He questioned the October 2010 timetable for completion of the project, if approved, noting that the Hospital has expended millions of dollars to verify environmental impacts at the proposed site, adding that there was no question in his mind that the site offered by the County would be selected by the Hospital. He continued that, in his opinion, it would be prudent for the County to wait and see if stimulus funding will be forthcoming. He reminded his colleagues that Lukmire was not the lowest bidder, and questioned whether construction, with current specifications, should be put out to bid. Mr. Duncan concluded his comments by requesting that his colleagues consider

delaying the project until the County knows whether or not it will receive any stimulus funding for sewer lines to the Hospital and Talbot County Community Center. Council members responded to several of Mr. Duncan's comments. Mr. Harrison stated that he would like to afford the public an opportunity to comment on the proposal and asked for a motion regarding same. Mr. Foster made a motion to allow public comments on the proposed Athletic Complex at the Talbot County Community Center on the evening of May 4, 2010, the same date and time as the previously scheduled public hearing on Bill No. 1182, the FY2010-2011 Budget Ordinance; the motion was seconded by Mr. Pack, with the Council voting to approve the public hearing 3 – 2 as follows:

Mr. Harrison – Aye
Mr. Pack – Aye
Mr. Duncan – Nay
Mr. Foster – Aye
Mr. Bartlett – Nay

A public hearing on the Proposed Athletic Complex at the Talbot County Community Center was scheduled for Tuesday, May 4, 2010 at 7:00 p.m. in the Easton High School Cafeteria, 723 Mecklenburg Avenue, Easton.

- XI. Request by Department of Public Works to Award Dutchmans Lane Road Projects for Telephone and Fiber Optic Cable Relocation to Verizon Communications – Ray Clarke, County Engineer – Mr. Clarke briefed the Council on his request to Verizon Communications for a consideration in reduction of their pricing in the amount of \$303,200, and a detailed outline of the work to be performed, for the relocation of telephone and fiber optic cable on Dutchmans Lane as part of the County's Dutchmans Lane Widening Project. Mr. Clarke had advised Council on April 20, 2010 that the information received following Council's initial request of April 13, 2010, had not been as requested; the matter had been deferred to April 27, 2010 for Council's approval. Mr. Clarke stated that the pricing being presented by Verizon now totals \$307,145, due to the necessity for installation of a silt fence along the roadside portion of the construction project. Mr. Clarke advised that all work is to replace existing facilities and Talbot County will be billed only for time and materials; no profit is allowed to be made by Verizon. Upon motion by Mr. Bartlett, seconded by Mr. Harrison, the Council approved award of the relocation project to Verizon Communications in the original amount of \$303,200, by voting 3 – 1 – 1 as follows:

Mr. Harrison – Aye
Mr. Pack – Nay
Mr. Duncan – Abstained
Mr. Foster – Aye
Mr. Bartlett – Aye

Mr. Harrison had previously passed the gavel to Mr. Foster and had seconded the motion.

- XII. Quarterly Update by Talbot County Economic Development Commission – Paige Bethke, Director, Office of Economic Development; Len Wendowski, Chairman, Economic Development Commission – Ms. Bethke and Mr. Wendowski reviewed the vision statement of the Economic Development Commission with the Council and briefed the Council on on-going business retention and expansion efforts in the County. Ms. Bethke advised Council of recent and upcoming activities of the Commission, including a recent tour of Easton Utilities Wastewater Treatment Facility with the Chinese Delegation of the Maryland Asian Environmental Partnership on March 23, 2010, the 50th anniversary celebration of the NOAA Cooperative Oxford Laboratory, and the Business Appreciation Breakfast on May 7, 2010. Ms. Bethke advised that Mid-Atlantic Power Pathway (MAPP) Project representatives had made a presentation at the April meeting of the EDC; member Geoff Oxnam has been requested to review the project from a utility standpoint. Mr. Wendowski had inquired of the representatives whether local jobs would be available

during the construction phase of the MAPP Project, if approved; as there was no satisfactory response, the representatives have been invited to attend the June meeting of the Economic Development Commission. The tentative closing of the U.S. Postal Service Easton Processing Center and its impact on Easton and the County were also discussed. The Economic Development Commission will continue to brief the Council on a regular basis.

XIII. County Manager's Report:

A. Talbot County Blue Ribbon Commission Oversight Committee – Requested Council approval for the appointment of Monica Heinsohn to a three-year term on the Talbot County Blue Ribbon Commission Oversight Committee; said term to expire April 1, 2013; requested the reappointment of The Rev. Dr. Richard “Duke” Dixon to a three-year term on the Talbot County Blue Ribbon Commission Oversight Committee; said term to expire April 1, 2013. Upon motion by Mr. Duncan, seconded by Mr. Foster, the Council approved the appointment and reappointment by voting 5 – 0 as follows:

Mr. Harrison – Aye
Mr. Pack – Aye
Mr. Duncan – Aye
Mr. Foster – Aye
Mr. Bartlett - Aye

XIV. Council Comments:

Mr. Bartlett - Mr. Bartlett congratulated the Town of Easton on their wonderful celebration for the Town's 300th anniversary. He continued that it was a wonderful tribute to, in his opinion, a wonderful town and he thanked all those involved in coordinating the event.

Mr. Foster- Mr. Foster stated that the Frederick Douglass Honor Society/YMCA of Talbot County 10 Mile Race will be held on Saturday, May 1, 2010; funds raised will be split between the two groups and the following day, Sunday, May 2, 2010 would be soccer fun day at the Talbot County Community Center.

Mr. Duncan Mr. Duncan said he had taken notice of the fact that some of the statements made during their recent discussion were about political capital; a point he would like to address. He continued by stating that over the years has not looked toward that end, citing his support of the Detention Center, the smoking ban in Talbot County, neither of which were popular issues. He stated that he doesn't move on popularity of votes, but on what he believes is the right thing to do, reminding everyone that he had supported the County holding its 5-year zoning on property at the northern end of the Town of Easton several years ago, and had taken the Chamber of Commerce to task for not supporting the Hospital. He stated that, in his opinion, waiting three or four weeks, or a couple of months (on the proposed Athletic Complex at the Talbot County Community Center) would not make any difference, adding that he was sorry political discussion had come into play.

Mr. Pack - Mr. Pack stated that he, Mr. Foster, Mr. Bartlett, and Mr. Duncan had taken part in the Town of Easton's 300th anniversary parade, adding that there had been a good turnout and the weather had cooperated. He reminded everyone that on Saturday, May 1, 2010 the Frederick Douglass Honor Society/YMCA of Talbot County 10 Mile Race would begin at Thompson Park at 9:00 a.m., followed by the ribbon-cutting for the Greening of Muskrat Park at 11:30 a.m., and the Multicultural Festival later in the day at Idlewild Park in Easton.

Mr. Harrison - Mr. Harrison wished the Town of Easton a happy 300th anniversary and congratulated them on a job well done. He reminded everyone to have fun but be safe as prom season approaches and encouraged attendance at the after prom parties. He thanked his colleagues for allowing a continuation of the discussion of the Community Center matter until April 27, 2010 to allow for Mr. Duncan's return.

XV. Special Legislative Day – Following Council comments, Mr. Harrison requested a motion to declare Tuesday, May 4, 2010 as a Special Legislative Day. Upon motion by Mr. Foster, seconded by Mr. Pack, the Council did not approve Tuesday, May 4, 2010 as a Special Legislative Day by voting 3 – 2 as follows:

Mr. Harrison - Aye
Mr. Pack - Aye
Mr. Duncan - Nay
Mr. Foster - Aye
Mr. Bartlett- Nay

The motion failed as a four-fifths majority is needed to declare a Special Legislative Day.

XVI. Upon motion by Mr. Bartlett, seconded by Mr. Pack, the Council voted to adjourn to Executive Session for discussion of a personnel matter, and to reconvene on Tuesday, May 4, 2010 at 12:30 p.m. for discussion of legal, personnel, and real estate matters by voting 5 – 0 as follows:

Mr. Harrison – Aye
Mr. Pack – Aye
Mr. Duncan – Aye
Mr. Foster – Aye
Mr. Bartlett - Aye

The meeting adjourned at 5:16 p.m.

The transcript of the April 27, 2010 County Council meeting is available for review in the Office of the County Manager during regular office hours.

XVII. On Tuesday, April 27, 2010 an Executive Session of the Talbot County Council convened at 12:57 p.m. in the County Council Conference Room and Bradley Meeting Room. Upon motion by Mr. Duncan, seconded by Mr. Bartlett, the Council met in Executive Session by voting 4 - 0 – 1 as follows:

Mr. Harrison – Not present
Mr. Pack – Aye
Mr. Duncan – Aye
Mr. Foster – Aye
Mr. Bartlett – Aye

Mr. Harrison arrived at 1:20 p.m.

In accordance with State Article §10-508(a)(1)(i) the purpose of the Executive Session was for discussion of personnel matters to discuss the hiring process for the County Manager; to discuss proposed layoffs of County employees; and to discuss appointments to various County boards and committees. The meeting recessed at 1:30 p.m., reconvened at 5:20 p.m. The Executive Session ended at 7:15 p.m.

CASH STATEMENT 4/27/2010

BALANCE 4/20/2010	\$2,938,747.61
RETURNED CHECKS	(75.00)
UHC CLAIMS THRU 4/20/2010	(21,686.52)
SAVINGS BONDS	(1,925.00)
DEPOSITS	512,500.51
CHECKS	(945,125.54)
 BALANCE 4/27/2010	 <u>2,482,436.06</u>

AIRPORT ACCOUNTS

AIP29	6,198.07
AIP30	1,602.16
AIP33-DSA	2,505.00
NEW AIP-RUNWAY 4-22 EXTENSION ANALYSIS	0.00
AIP34	9,744.87
AIP-35	10,437.02
AIP36	0.00
AIP37	0.00
 AIRPORT ACCOUNTS TOTAL BALANCE	 <u>\$30,487.12</u>

INVESTMENTS – CERTIFICATES OF DEPOSIT

<u>CERTIFICATE DATE</u>	<u>MATURITY DATE</u>	<u>RATE</u>	<u>AMOUNT</u>
04/28/2009	04/27/10	1.61%	3,000,000.00
06/01/2009	04/27/10	1.56%	3,000,000.00
02/24/2010	05/11/10	0.51%	3,000,000.00
08/04/2009	05/25/10	1.03%	6,000,000.00
02/24/2010	06/15/10	0.51%	3,000,000.00
06/30/2009	06/29/10	1.51%	6,000,000.00
03/30/2010	07/13/10	0.26%	3,000,000.00
07/28/2009	07/27/10	1.14%	6,000,000.00
03/30/2010	08/17/10	0.31%	3,000,000.00
09/29/2009	08/31/10	0.79%	3,000,000.00
11/06/2009	08/31/10	0.62%	3,000,000.00
04/13/2010	09/14/10	0.21%	3,000,000.00
11/24/2009	09/28/10	0.60%	6,000,000.00
 PNC-MLGIP INVESTMENTS TOTAL		0.19%	3,000,000.00

TOTAL INVESTED **\$54,000,000.00**

PETTY CASH BALANCE **\$6,800.00**

GRAND TOTAL ALL FUNDS **\$56,519,723.18**

