



TALBOT COUNTY, MARYLAND

County Council

MINUTES

August 23, 2016

Present – President Corey W. Pack, Vice President Jennifer L. Williams, Dirck K. Bartlett, Chuck F. Callahan, Laura E. Price, County Manager R. Andrew Hollis, County Attorney Michael Pullen and Assistant County Attorney Anthony Kupersmith.

- I. Agenda – Mr. Pack requested and received Council’s unanimous consent for approval of the Agenda of Tuesday, August 23, 2016.
- II. Minutes – Mr. Pack requested and received Council’s unanimous consent for approval of the Minutes of Tuesday, July 12, 2016 and Tuesday, July 26, 2016.
- III. Disbursements – Mr. Pack requested and received Council’s unanimous consent for approval of the Disbursements of Tuesday, August 16, 2016 and Tuesday, August 23, 2016.
- IV. Presentation on September 11th Ceremony to be held at Dogwood Harbor, Tilghman by Jamie McNeal, President, Talbot County Volunteer Fire & Rescue Association; Jesse Gottlieb; Tilghman Island Volunteer Fire Company Fundraising Chairman/Event Coordinator – Mr. McNeal and Mr. Gottlieb expressed their appreciation to the Council for their willingness to hold the September 11th Ceremony in Tilghman this year. Mr. McNeal and Mr. Gottlieb briefed the Council on the groups anticipated to participate in this year’s ceremony to commemorate the tragic events of September 11, 2001. The ceremony will be held on Sunday, September 11th at 8:30 a.m. at Dogwood Harbor in Tilghman. He stated that the Tilghman Volunteer Fire Company will be holding an All-U-Can-Eat breakfast immediately following the 9/11 Ceremony. Everyone is encouraged to attend both the ceremony and the breakfast. Mr. Gottlieb then provided a brief synopsis of the events of the 2nd Annual Firemen’s Olympics which begin at 11:00 a.m.
- V. Presentation of Certificate of Achievement for Excellence in Financial Reporting (CAFR) to Angela Lane, Talbot County Finance Director – Ms. Lane read a statement into the record stating that the CAFR award is being presented to Talbot County for the County’s comprehensive annual financial report for fiscal year ending June 30, 2015. The award is presented by the Government Finance Officers Association (GFOA) to those governmental units whose annual financial report are judged to adhere to program standards and which publish an easily readable and efficiently organized comprehensive financial report conforming to generally accepted accounting principles and appropriate legal requirements. Ms. Lane stated that the award is the 15th consecutive year that Talbot County has received the recognition and she commended her staff for their hard work to achieve the award. She then read the press release from the GFOA into the record. Council members congratulated Ms. Lane and her staff on their achievement and presented her with the CAFR award.
- VI. Introduction of Numbered Resolutions:

A RESOLUTION TO ADOPT SPECIFICATIONS FOR CONSTRUCTION WITHIN TALBOT COUNTY ROADWAYS was read into the record by the Clerk and brought forward for introduction. Prior to introduction, County Engineer, Ray Clarke, and Roads Superintendent, Warren Edwards, outlined several recent issues with contractors/subcontractors working on County roadways which have resulted in

costly damage to the roadways. The resolution was introduced by Mr. Bartlett, Mr. Callahan, Mr. Pack, Ms. Price, and Ms. Williams as Resolution No. 232. A public hearing was scheduled for Tuesday, September 13, 2016 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

A RESOLUTION TO AUTHORIZE EXECUTION OF A CABLE TELEVISION FRANCHISE AGREEMENT BY AND BETWEEN TALBOT COUNTY, MARYLAND AND THE EASTON UTILITIES COMMISSION, WITHIN THE CORPORATE LIMITS OF TALBOT COUNTY, MARYLAND was read into the record by the Clerk and brought forward for introduction. Prior to introduction, County Attorney, Mike Pullen, stated that the proposed resolution would adopt a franchise agreement between the County and Easton Utilities Commission. He stated that there was an earlier franchise agreement which expired in 2006, and since that time, a new franchise agreement had been negotiated with Atlantic Broadband. Mr. Pullen stated that the renewal franchise agreement with Easton Utilities is based on the Atlantic Broadband agreement but that an additional paragraph had been added to the draft franchise agreement provided to Council at the work session with Easton Utilities Commission on Tuesday, August 9, 2016 which includes a provision to ensure that the franchisee would be subject to the requirements for the permit, inspection, and approval processes for construction within Talbot County roadways, as outlined in Resolution No. 232, just introduced. The resolution was introduced by Mr. Bartlett, Mr. Callahan, Mr. Pack, Ms. Price and Ms. Williams as Resolution No. 233. A public hearing was scheduled for Tuesday, September 13, 2016 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, MD 21601.

VII. Public Hearing:

Resolution No. 231, A RESOLUTION TO AMEND THE COUNTY’S STANDARDIZED RULES AND PROCEDURES FOR PROCESSING PUBLIC INFORMATION ACT REQUESTS was read into the record by the Clerk and brought forward for public hearing. Prior to the public hearing, Assistant County Attorney, Tony Kupersmith, stated that the County adopted its current Rules and Procedures for processing Public Information Act Requests in 2007, but since that time, State law with regard to the Public Information Act has changed, and an update by the County to its Rules and Procedures is required. The public was then afforded an opportunity to comment on the legislation. Upon motion by Ms. Williams, seconded by Ms. Price, the Council approved Resolution No. 231 by voting 5 – 0 as follows:

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

Resolution No. 231 is effective immediately.

VIII. Update on Department of Public Works Projects – Ray Clarke, Talbot County Engineer – Mr. Clarke briefed the Council on the 42 public works projects currently underway in Talbot County utilizing a color-coded spreadsheet which detailed the current status of each project, the project contractor/project manager and the projected completion date for each project. Projects outlined included, among others, the Dutchmans Lane Sidewalk and Road Improvement project, the Talbot County Courthouse Elevator, Leeds Creek (Tunis Mills) Bridge, Goldsborough Neck, Old Orchard Road and other culvert replacement locations, the On-Site Sewage Disposal System (OSDS) replacement program, the Klondike Road Bio-Solids Utilization Facility upgrades, the Martingham Sewer Extension project, Phase V of the St. Michaels Sewer Replacement project, the Oxford Conservation Park project and the Dawson Farm Road project.

Council discussion ensued with Mr. Clarke as each project was brought forward. Mr. Pack requested that the Roads Department provide before and after pictures of the Dawson Farm Road project.

IX. County Manager's Report:

- A. Bid No. 15-32, SEWER EXTENSION TO MARTINGHAM COMMUNITY NEAR ST. MICHAELS – TALBOT COUNTY, MARYLAND – Requested Council approval to award the following Change Orders for Bid No. 15-32 to Retallack & Sons, Inc.: Change Order No. 1, completion of six (6) future sewer extensions at a cost of \$39,000; Change Order No. 2, replacement of wiring in the Pump House building at a cost of \$14,887.50; Change Order No. 3, replacement of manhole No. 71B at a cost of \$13,600; and a request to extend the contract with Retallack & Sons, Inc. to September 9, 2016; the Change Orders total \$67,487.50 which is available through contingency funding built in to the project funded through USDA Rural Development. Upon motion by Ms. Williams, seconded by Ms. Price, the Council approved the Change Orders as requested by voting 5 – 0 as follows:

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

Mr. Clarke stated that he was requesting that Change Order No. 4, replacement of the existing emergency generator for the water and sewer systems at a cost of \$92,000, be delayed until he has had an opportunity to discuss the project in more detail with the users of the Martingham system and to look for alternative sources of funding the improvement; no general tax dollars will be used for the improvement.

- B. Talbot County Agricultural Land Preservation Advisory Board – Requested Council approval for the reappointment of John Swaine, III to a five- year term on the Talbot County Agricultural Land Preservation Advisory Board; said term will expire on March 13, 2021. Upon motion by Ms. Price, seconded by Mr. Callahan, the Council approved the reappointment by voting 5 – 0 as follows:

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

- C. Talbot County Agricultural Resolution Board – Requested Council approval for the reappointment of George Ball and Lewis Smith, Jr. to four-year terms on the Talbot County Agricultural Resolution Board as an at-large representative and representative of the agricultural community, respectively; said terms will expire on January 1, 2020. Upon motion by Mr. Bartlett, seconded by Ms. Price, the Council approved the reappointments by voting 5 – 0 as follows:

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

- D. Talbot County Local Emergency Planning Committee – Requested Council approval to forward the names of Anthony Smith and Owen Wormser to the Governor for consideration for reappointment to three-year terms on the Talbot County Local Emergency Planning Committee as citizen representatives; if approved, said terms will expire on August 1, 2019. Upon motion by Ms. Williams, seconded by Mr. Callahan, the Council approved forwarding the names to the Governor for consideration by voting 5 – 0 as follows:

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

- E. Local Government Justice Reinvestment Commission – Requested Council approval for the appointment of Corey Pack to the Local Government Justice Reinvestment Commission, established under the Justice Reinvestment Act of the 2016 Maryland General Assembly. Upon motion by Ms. Williams, seconded by Mr. Callahan, the Council approved the appointment by voting 4 – 1 – 0 as follows:

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

- F. Talbot Family Network Board of Directors – Requested Council approval for the appointment of Michelle Moaney (Private Sector) and the reappointment of Anthony Smith (Public Sector) to three-year terms on the Talbot Family Network Board of Directors; said terms will expire on June 30, 2019. Upon motion by Mr. Callahan, seconded by Mr. Bartlett, the Council approved the appointment and the reappointment by voting 5 – 0 as follows:

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

- G. Talbot County Tourism Board - Requested Council approval for the reappointment of Dennis McFadden to a four-year term on the Talbot County Tourism Board as a countywide cultural attraction representative; said term will expire on July 1, 2020. Upon motion by Ms. Price, seconded by Mr. Callahan, the Council approved the reappointment by voting 5 – 0 as follows:

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

H. Easton Airport Day – Mr. Hollis stated that Easton Airport Day would be held this Saturday, August 27, 2016 from 10:00 a.m. to 2:00 p.m.

IX. Council Comments:

Ms. Williams – Ms. Williams stated that the entire Council had attended the Maryland Association of Counties Summer Conference last week, spending three and a half days attending a variety of classes and sessions on all types of topics. She stated that, in her opinion, she and each of her colleagues walked away a little bit better equipped to do their jobs as Council members. She stated that it was also an opportunity for all the Council members to spend some time together and just enjoy each other’s company. She stated that a number of County staff had attended the Conference as well. Ms. Williams concluded her comments by stating that the Council had a lot of face time with the Governor’s staff, most of whom were very accessible and more than willing to sit down and talk, which was, in her opinion, a great opportunity.

Mr. Bartlett - Mr. Bartlett stated that he had really enjoyed the MACo Conference which, in his opinion, was a great opportunity to network with the Governor’s Cabinet. He stated that it was great to see the Governor there after missing the conference last year because of health issues. Mr. Bartlett stated that the Governor appeared to be having a great time and making a real effort to meet people. He concluded his comments by thanking County staff for the job they did manning the County booth, stating that it was good PR.

Ms. Price - Ms. Price stated that, in her opinion, it was a wonderful conference, and one of the best for networking that she can remember in her six years as a Council member. She stated that not only was the Governor’s staff accessible to talk about things that we need, but there were opportunities to talk about kids and other things to make a real connection so that they will remember who you are, not just what you want or need. She stated that she was able to talk to Secretary Grumbles for 20 minutes, and that has not always happened in the past. She congratulated Governor Hogan and the individuals he selected to be on his Cabinet. She stated that as a member of the MACo Board of Directors, she had, for the first time, an opportunity to have Governor Hogan sit in a room with the Board members to speak candidly with them. She stated that, in her opinion, the Governor is the same person on the street as he is in a meeting, candid, and tells it like it is, which is a pleasure to be around and why, in her opinion, he is so popular whether one is a Democrat or Republican. She stated that he was very candid about the scoring system for transportation – how everybody opposed it, and the citizens know how bad it is, with 21 of the 24 counties getting zero projects funded; the three counties that got projects funded, the funding was all for mass transit, not roads. She stated that, in her opinion, it is payback because the Governor did not fund one of the mass transit projects. She reiterated that the citizens think it is terrible, the county

elected officials think it is terrible, but somehow delegates in some of the western shore counties still voted for it. Ms. Price stated that the Governor, who referred to the legislation as the “roadkill bill,” spoke in a humorous way about how the legislation was emergency legislation that needed to pass very quickly so it could be put into place, but now that there has been pushback, there is now suddenly a year delay in implementation of the legislation. She stated that the Governor also discussed with the Board how to get back highway user revenues. She concluded her comments by stating that it was truly an honor to be part of the discussion and everyone at the table was able to have input to tell the Governor what was on his or her mind.

Mr. Callahan - Mr. Callahan stated that it had been a pleasure to be with the other Council members to represent Talbot County at the MACo Conference and thanked County staff for making the arrangements. He stated that there is a lot of networking and he had learned a lot. He agreed with Ms. Price’s statement that it was great to be able to be able to talk with the Governor and his Secretaries, and that, in his opinion, the Governor has a really good staff that is comfortable to be around. He stated that he and Ms. Williams had attended Watermen’s Appreciation Day at the Chesapeake Bay Maritime Museum where they had an opportunity to sit with the Governor and eat crabs. He stated that he and his colleagues really work hard at the MACo Conference to learn information which they can bring back to make Talbot County a better county and expressed his appreciation to staff who had attended the Conference and had spent time with the Council, and that, in his opinion, it makes the Council a better government body.

Mr. Pack - Mr. Pack stated that it had been a good conference and, in his opinion, it is always a pleasure going down there and he thanked County staff for manning the County’s booth at the Conference. He stated that there were several upcoming events in Talbot County, including the 8th Annual Airport Day at Easton Airport on Saturday, Senator Eckardt’s Tour the Mid-Shore Bike Riding Event, also on Saturday, in which he will be participating, and the 32nd Annual Talbot County Chamber of Commerce Awards Dinner on Thursday. Mr. Pack reiterated that he had had a delightful time in Ocean City and it was great to meet with the Governor’s staff and other county representatives to dialogue on matters affecting the Mid-Shore area.

- X. The County Council will reconvene on Tuesday, September 13, 2016 at 6:00 p.m. The Council will be convening in Open Session at 5:00 p.m. and immediately adjourning into Closed Session for discussion of legal, personnel and real estate matters as listed on the Statement for Closing that meeting .

The meeting adjourned at 7:31 p.m.

The transcript of the August 23, 2016 County Council meeting is available for review in the Office of the County Manager during regular office hours.

- XI. On Tuesday, August 23, 2016 a Closed Session of the Talbot County Council convened at 5:10 p.m. in the County Council Conference Room. Upon motion by Ms. Price, seconded by Mr. Callahan, the Council met in Closed Session by voting 5 - 0 as follows:

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

In accordance with General Provisions Article § 3-305(b)(1)(i)(3)(7)(8) the purpose of the Closed Session was for personnel matters to discuss appointments to various County boards and committees; to discuss a personnel matter in Administrative Services; to discuss filling the vacancy for the Economic Development Coordinator position; and to discuss a personnel matter in the Sheriff’s Office; for a real estate matter to discuss the possible acquisition of property for a public purpose; and for a legal matter for an update on a legal matter involving the County. The Closed Session ended at 6:00 p.m.

- XII. Work Session for Discussion with Maryland Department of the Environment on Program Appraisal of Talbot County Environmental Health Department – Naomi Howell, Division Chief, On-Site Systems Division, Maryland Department of the Environment; Dr. Fredia Wadley, Talbot County Health Officer; Anne Morse, Director of Environmental Health, Talbot County Health Department – Ms. Howell briefed the Council on the recent draft program appraisal of the Talbot County Environmental Health Department, including the building permit program, by the Maryland Department of the Environment (MDE). Ms. Howell stated that files were selected at random and reviewed for appropriate implementation of administrative procedures, permitting requirements, inspection techniques and enforcement practices to ensure that proper documentation was in the file. She emphasized that it is vitally important to have files that anyone within the industry can review and understand, without the need of a particular employee to explain, so that anyone can track the basis for the particular decision made with regard to that particular file. Council discussion ensued with Ms. Howell. Ms. Howell stated that the appraisal will be used to help determine areas where additional MDE training assistance is warranted.

CASH STATEMENT 08/16/2016

BALANCE 08/09/2016	\$48,298,248.46
INTEGRA CLAIMS THRU 8/8/2016	(57,539.79)
ELECTION BOARD PPE 7/19/2016	(8,621.19)
FLEX SPEND PPE 7/29/2016	(2,920.77)
RETURNED CHECK(s)	(829.65)
PAYROLL-FD/SS/MS WH PPE 7/29/2016	(156,848.97)
DEFERRED COMP DED	(11,256.98)
MD WH	(37,802.05)
PENSION DED	(33,875.60)
SECU DED	(5,039.46)
ACH TRANSFER	(13,736.75)
DEPOSITS	3,474,590.23
CHECKS	(2,780,374.93)
BALANCE 08/16/2016	<u>48,663,992.55</u>

AIRPORT ACCOUNTS

AIP-RUNWAY 4-22 EXTENSION ANALYSIS	0.00
AIP37	16,762.37
AIP39	73,794.25
AIP40	30,252.21
AIP41	39,343.53

AIRPORT ACCOUNTS TOTAL BALANCE **160,152.36**

INVESTMENTS – CERTIFICATES OF DEPOSIT

<u>CERTIFICATE DATE</u>	<u>MATURITY DATE</u>	<u>RATE</u>	<u>AMOUNT</u>
PNC-MLGIP INVESTMENTS TOTAL		0.38%	18,000,000.00

TOTAL INVESTED **\$18,000,000.00**

PETTY CASH BALANCE **\$15,570.00**

GRAND TOTAL ALL FUNDS **\$66,839,714.91**

CASH STATEMENT 08/23/2016

BALANCE 08/16/2016	\$48,663,992.55
INTEGRA CLAIMS THRU 8/15/2016	(52,555.96)
RETURNED CHECKS	(3,849.28)
POSTAGE WIRE TOURISM	(500.00)
	(829.65)
DEPOSITS	697,495.14
CHECKS	(777,861.74)
BALANCE 08/23/2016	<u>48,525,891.06</u>

AIRPORT ACCOUNTS

AIP-RUNWAY 4-22 EXTENSION ANALYSIS	0.00
AIP37	16,762.37
AIP39	73,794.25
AIP40	30,252.21
AIP41	39,343.53

AIRPORT ACCOUNTS TOTAL BALANCE **160,152.36**

INVESTMENTS – CERTIFICATES OF DEPOSIT

<u>CERTIFICATE DATE</u>	<u>MATURITY DATE</u>	<u>RATE</u>	<u>AMOUNT</u>
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PNC-MLGIP INVESTMENTS TOTAL	0.38%	18,000,000.00
TOTAL INVESTED		<u>\$18,000,000.00</u>
PETTY CASH BALANCE		<u>\$15,570.00</u>
GRAND TOTAL ALL FUNDS		<u>\$66,701,613.42</u>