



Talbot County, Maryland



Easton, Maryland

MINUTES - AS AMENDED

August 24, 2010

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

I. Agenda – Agenda of August 24, 2010 was approved upon motion by Mr. Pack, seconded by Mr. Duncan, with the Council voting 5 – 0 as follows:

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

II. Minutes – Minutes of August 10, 2010 were approved upon motion by Mr. Pack, seconded by Mr. Duncan, with the Council voting 5 - 0 as follows:

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

III. Disbursements – Disbursements of August 17, 2010 and August 24, 2010 were approved upon motion by Mr. Pack, 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

IV. Proclamation: September as National Preparedness Month – Clay B. Stamp, Acting County Manager/Emergency Services Director; Michael Boldosser, Emergency Planner; Tim McNeal, Deputy Director, Emergency Management; Jim and Judy Bottorf, Volunteer Coordinators, Talbot County Department of Emergency Services – The Clerk read a proclamation into the record in recognition of September as National Preparedness Month. The purpose of the declaration is to increase public awareness of the importance of preparing for emergencies, the community effort necessary for success of preparation, and to encourage individuals and businesses to be prepared. Upon motion by Mr. Foster seconded by Mr. Duncan, the Council approved the Proclamation by voting as 5 – 0 as follows:

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

Mr. Harrison presented the Proclamation to Mr. Stamp, Mr. McNeal, and Mr. Boldosser who accepted on behalf of the Talbot County Department of Emergency Services.

- V. Presentation by Talbot River Protection Association (TRPA) on Easton Airport Expansion Projects – Richard Klein, Community & Environmental Defense Services; Robert Stanley, Consulting Arborist, Treekeepers and TRPA; Christine Sweeney, President, TRPA; Dr. Callum Bain, Member, TRPA – Mr. Klein briefed the Council on TRPA's concerns pertaining to the Draft Environmental Assessment involving the proposed expansion of Easton Airport, including the extension of Runway 4-22 and the planned clearing of a number of trees on a parcel adjacent to Easton Airport owned by the Town of Easton, known as the Mistletoe Hall property. Mr. Klein presented TRPA's calculations on the tentative increase in square footage of impervious surfaces which would be caused by the proposed extension of Runway 4-22, and their assessment of impacts on the environment, particularly adjacent waterways, related to the proposed runway extension. Mr. Klein outlined each of TRPA's concerns and Mr. Stanley presented Council with suggested alternatives to removal of the trees, including crowning of the trees. Easton Airport Manager Mike Henry responded to TRPA's comments, advising that removal of the trees is required under Federal Aviation Administration Part 77 Airspace Safety Guidelines; however, he continued that since the subject property is owned by the Town of Easton, an easement from the Town is required before removal of the trees can occur. Mr. Henry continued that he will be meeting with Town of Easton officials at the Town Council meeting on Monday, August 30, 2010 regarding the project. Council discussion ensued. Upon motion by Mr. Bartlett, seconded by Mr. Foster, the County Council requested that the planned tree removal work be stopped on the Mistletoe Hall portion of the proposed runway extension project, should the Town of Easton grant permission for same, until a price can be obtained on the cost of crowning the trees on the subject parcel versus removal of the trees, by voting 5 – 0 as follows:

Mr. Harrison – Aye

Mr. Pack – Aye

Mr. Duncan – Aye

Mr. Foster – Aye

Mr. Bartlett - Aye

- VI. Request for Approval of Intergovernmental Agreement For Solid Waste Services By and Between Talbot County, Maryland and Maryland Environmental Service – Ray Clarke, County Engineer; Steve Tomczewski, Program Director, Environmental Operations, Maryland Environmental Service – Presentation of the request was postponed. The matter will be rescheduled at a later date.
- VII. Presentation of Resource, Conservation and Development (RC&D) Council Five-Year Plan – Martin Sokolich, Talbot County Long Range Planner; Dave Wilson, Coordinator, RC&D Council; Bhaskaran (Baskar) Subramanian, Natural Resources Manager, RC&D Council – Mr. Wilson briefed the Council on services offered by the RC&D Council to the nine counties of Maryland's Eastern Shore, including the Living Shoreline Project which is intended to preserve and protect the natural shoreline in order to minimize shoreline erosion, improve water quality, and maintain aquatic habitat; the Farm Energy Program, a cooperative effort between the Maryland Energy Administration, EnSave, Inc., the RC&D Council and local farmers; and the Farm Energy Audit Program which assists agricultural producers in Maryland with creation of farm energy plans. Mr. Wilson stated that the RC&D Council is available to assist municipalities, county governments and private organizations with grant writing services for funding for wetland creation and/or restoration, dry fire hydrant systems, etc. Mr. Subramanian stated that he is available to conduct workshops on living shorelines, as now mandated by State law, and/or to work with County staff to organize workshops on same.

VIII. Quarterly Update by Talbot Humane – Brian Metcalf, Executive Director, Talbot Humane – Mr. Metcalf provided Council with Talbot Humane’s statistical information for fiscal year 2010, stating that Talbot Humane took in 1170 animals, including 384 dogs and 706 cats, a 16% decrease from the previous year which Mr. Metcalf attributed the decrease to Talbot Humane’s aggressive spay/neuter program. He added that 55% of dogs had been returned to their owners; only 5% of cats had been returned. Mr. Metcalf emphasized that 75% of microchipped pets are returned to their owners. He stated that intake of cats at the facility had decreased by 14%; intake of dogs had decreased by 18%; adoption rates decreased by 9% and increased by 20 plus %, respectively. Mr. Metcalf continued that 893 pets were adopted from Talbot Humane with a return rate of only 1%, further advising that the euthanasia rate at Talbot Humane for the fiscal year just concluded was 11% for dogs and less than 12% for cats, a decrease of 15% from the prior fiscal year, and that animals were euthanized only because of injury, poor health, or unsafe temperament. He stated that work is on-going to increase adoptions and to reduce strays at the animal shelter through Chastity’s Lonely Heart Club (where adoption fees are waived for those animals in the animal shelter 120 days or longer), streamlining of the adoption process and emphasis on a pet friendly/people friendly environment. Other improvements at Talbot Humane include: construction of a more professional-looking website; having a more positive relationship with five local veterinary facilities for the spay/neuter program; initiation of a positive behavior reinforcement program to enhance kennel behavior and reduce canine stays; repainting of the building’s exterior; overhaul of the cat condos; and creation of a Bedtime with Benji program to train dogs, reduce kennel stress and increase adoptions. Mr. Metcalf concluded his comments by stating that Talbot Humane would host “Bark in the Park” on October 16, 2010, featuring dog walks, exhibitions, food and entertainment. Council members commended Mr. Metcalf and Talbot Humane for the fine job they do; Mr. Metcalf expressed his appreciation the staff and volunteers of Talbot Humane. Talbot Humane will continue to provide updates to the Council on a regular basis.

IX. Introduction of Legislation:

A RESOLUTION TO INTRODUCE, CONSIDER, AND DETERMINE WHETHER TO FORMALLY DECLINE TO ACCEPT THE OFFER OF DEDICATION FOR A PORTION OF THE PAPER STREET KNOWN AS *MILES HAVEN AVENUE* LOCATED BETWEEN 25848 AND 25840 ST. MICHAELS ROAD, EASTON, MARYLAND; AND 7488 BEACH AVENUE, EASTON, MARYLAND SHOWN ON A SUBDIVISION PLAT ENTITLED "*MILES HAVEN*" DATED JULY 12, 1923, RECORDED AMONG THE LAND RECORDS OF TALBOT COUNTY, MARYLAND AT C.B.L. LIBER 195/FOLIO 433, LOCATED GENERALLY NEAR THE COMMUNITY OF NEWCOMB. THE PROPERTIES ON WHICH THIS PAPER STREET IS LOCATED ARE CURRENTLY OWNED BY JOHN D. JR. & LYNNE A. JARRELL, 25848 ST. MICHAELS ROAD; ROBERT T. MAY, 25840 ST. MICHAELS ROAD; AND JOHN J. & JUDY K. MISTRETTE, 7488 BEACH AVENUE was brought forward for introduction. Mr. Foster requested unanimous consent to waive a full reading of the legislation; there was no objection. The legislation was introduced by Mr. Bartlett, Mr. Duncan Mr. Harrison, and Mr. Pack as Resolution No. 174. A public hearing was scheduled for Tuesday, September 28, 2010 at 2:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

X. Eligible for Vote:

Resolution No. 172, A RESOLUTION TO INTRODUCE, CONSIDER, AND DETERMINE WHETHER TO ADOPT A PROPOSED AMENDMENT TO THE TALBOT COUNTY COMPREHENSIVE WATER & SEWER PLAN (THE “PLAN”) THAT WILL RE-CLASSIFY PROPERTY LOCATED AT 27748 ST. MICHAELS ROAD, MD. RT. 33, EASTON, MARYLAND, GENERALLY KNOWN AS “CARROLL’S MARKET,” TAX MAP 34, PARCEL 301, FIRST ELECTION DISTRICT, TALBOT

COUNTY, MARYLAND, (THE “PROPERTY”) FROM THE CURRENT CLASSIFICATION OF “UNPROGRAMMED” TO “S-1” (IMMEDIATE PRIORITY STATUS), TO MAKE THE PROPERTY ELIGIBLE FOR SEWER SERVICE FROM THE REGION II WASTEWATER TREATMENT PLANT (THE “PLANT”), AND TO AUTHORIZE EXTENSION OF SEWER SERVICE FROM THE PLANT TO THE PROPERTY (*Carroll’s Market, Route 33*), was brought forward for vote. Council discussion ensued. Upon motion by Mr. Pack, seconded by Mr. Bartlett, the Council tabled Resolution No. 172 until such a time that the Planning Commission and Public Works Advisory Board develop policy recommendations, and to allow the County an opportunity to contact the United States Department of Agriculture (USDA) concerning access to the Unionville/Tunis Mills/Copperville force main regarding any liability the County may face, by voting 3 – 2 as follows:

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

Prior to the vote to table Resolution No. 172, Mr. Pullen advised that tabling Resolution No. 172 does not prohibit Mr. Carroll from reapplying for an amendment to the Comprehensive Water and Sewer Plan for another two years.

Council members made the following comments following the vote to table Resolution No. 172:

Mr. Harrison – Mr. Harrison stated that he wanted Mr. Carroll and the public to know that there would have been two votes to tap into the force main, and that he was unsure about the other three votes. He continued that during this term in office he has continually heard that Talbot County is not business friendly and he believes that this Council should do all it can do to keep the remaining businesses in Talbot County operating. He stated that he has confidence in the Planning Commission and the Public Works Advisory Board and the recommendations they will make to the Council on the matter.

Mr. Foster – Mr. Foster echoed a portion of Mr. Harrison’s comments, adding that in his opinion, the Council had just cavalierly discussed how the County is going to close or knock down one place where someone is doing a very important business so that the airport can be expanded, with promises and half promises to build someplace else. He continued that he doubts the Federal Aviation Administration will finance the relocation of tenants of the subject building, adding that it concerns him. He recalled Doncaster, when the dangers of development were first brought to the County’s attention, stating that he had opposed the development and would do so again, stating that everyone knows that sewage treatment is better than being on a septic system or any other technology and that there is no point in putting this business (Carroll’s Market) out of business. He stated that, as far as he is concerned, Kirkham Station is just land at present, unlike Carroll’s Market and the businesses located in the former Black & Decker building which are realities. He stated that the County needs to balance environmental concerns with economic interests and requested that the Planning Commission and the Public Works Advisory Board come up with an alternative suitable for Carroll’s Market as the County wants to assist Mr. Carroll and keep people working in Talbot County.

Mr. Foster concluded his comments by stating that he had voted against tabling the resolution because if assisting Mr. Carroll is the objective of the new study of our policy, then making Mr. Carroll wait serves no objective. He stated that, in his opinion, if there is anything the County can reasonably do to keep people in business, we should do so. Members of the Planning Commission who were present indicated to Council that they anticipate the policy study to take approximately one month.

Mr. Bartlett – Referring to Carroll’s Market, Mr. Bartlett stated that he appreciated the jobs provided and the viability of Mr. Carroll’s business in Talbot County. He stated that he had reviewed the documents which set up the sewer line from Unionville to St. Michaels and he could not justify Carroll’s Market tying into the line. He continued that even though an 18-wheeler delivers gas to Carroll’s Market six times a week, the Council seems to find it unacceptable that the business generates 4,000 gallons of sewage per week. Mr. Bartlett stated that he realizes pumping and hauling is a pain to do, and is costly, but reminded Mr. Carroll that Chesapeake Landing also pumps and hauls its sewage at the present time. Mr. Bartlett agreed with Mr. Carroll’s statement that he would like to resolve the matter. Mr. Bartlett reiterated that if justification for tying in to the line cannot be made by the way in which the service area was set up, mapped out and discussed, then, in his opinion, the law to allow tying in would need to be amended. Otherwise, the precedence of letting Carroll’s Market tie into the line would create a domino effect later. Mr. Bartlett stated that, in his opinion, the proper course of action is to look at the policy as it was set up and create a framework for the future, rather than allowing Carroll’s Market to tie in and have lawsuits from others who were turned away.

Mr. Pack – Mr. Pack stated that by tabling the resolution it allows the County time to take a thorough look at the issue.

Mr. Duncan – Mr. Duncan asked for the County Attorney’s advice as to whether, if Carroll’s Market is allowed to tie into the force main, the system then becomes a public utility. Mr. Pullen responded that is a consideration which needs to be discussed and understood. Mr. Duncan reminded his colleagues of the 300 homes in Hyde Park operating on a failing septic system, the effluent of which is trucked by the County at its expense as the County is legally responsible for doing so per the Maryland Department of the Environment. He stated that no one has addressed the issue, and in his opinion, in 2012 when the County’s obligation ends, it cannot walk away from Hyde Park, the problem will need to be addressed. He continued that there are a lot of sewer issues which need to be studied, and the County has not done so, and, in his opinion, we should do the same thing we are doing with Carroll’s Market. He again stated that the County needs to have an in-depth study on sewer issues and he believes those who are conducting same are knowledgeable and well-informed and will come up with a solution for Carroll’s Market. Mr. Duncan stated that he believes more extensive testing should be conducted on Mr. Carroll’s 40-acre property adjacent to Carroll’s Market, with confirmation that no portion of same is suitable for a septic system. He added that seven houses built along that road have septic systems which are operating. Mr. Foster stated that in order to avoid any misunderstandings, he wished to clarify that the Planning

Commission and the Public Works Advisory Board had been charged only with studying possible access to this particular sewer line, not all sewer lines in the County. He responded that Mr. Foster was correct in that the Planning Commission and the Public Works Advisory Board had only been charged with the matter of Carroll's Market; however, the Council is charged with Hyde Park, whether they like it or not, no matter who sits on the Council. Mr. Duncan reminded Mr. Foster that the septic system of the former Kirkham Station (Three Sisters) was also failing. Council discussion ensued. Mr. Pack reminded his colleagues why Resolution No. 172 had been tabled.

Resolution No. 173, A RESOLUTION TO CLARIFY THE POLICY OF TALBOT COUNTY CONCERNING CONNECTION TO THE LOW-PRESSURE COLLECTION SYSTEM FORCE MAIN FROM COPPERVILLE, TUNIS MILLS AND UNIONVILLE TO THE REGION II WASTEWATER TREATMENT PLANT, was brought forward for vote. Upon motion by Mr. Foster, seconded by Mr. Pack, the Council tabled Resolution No. 173 by voting 4 – 1 as follows:

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

Bill No. 1185, A BILL TO ESTABLISH ALCOHOL AWARENESS TRAINING REQUIREMENTS FOR ALCOHOLIC BEVERAGE LICENSEES, TO REQUIRE THAT WHENEVER MORE THAN THREE (3) EMPLOYEES ARE ON DUTY, AT LEAST ONE SUCH EMPLOYEE SHALL BE CERTIFIED BY AN ALCOHOL AWARENESS PROGRAM APPROVED PURSUANT TO ARTICLE 2B, § 13-101, MD. ANN. CODE, TO PROVIDE THAT THIS SECTION SHALL NOT CREATE OR ENLARGE ANY CIVIL OR CRIMINAL PROCEEDING AGAINST A LICENSEE, was brought forward for vote. Mr. Pack offered an amendment to Bill No. 1185, specifically, to §11-13 **Restrictions upon License Holders**, (F. Alcohol Awareness Training) which states as follows:

F. Alcohol Awareness Training. All employees involved in the sale of alcoholic beverages shall successfully complete training in an Alcohol Awareness program within ninety (90) days of the date of hire. The Liquor Inspector may grant an extension not to exceed sixty (60) days for Licensees with less than three (3) employees whose businesses would suffer undue hardship, due to circumstances beyond the Licensee's reasonable control. Any request for a waiver must be submitted in writing within thirty (30) days and contain all grounds in support of the request.

Following Council discussion, the amendment was introduced by Mr. Pack as follows:

F. Alcohol Awareness Training. All employees involved in the sale of alcoholic beverages shall successfully complete training in an Alcohol Awareness Program within ninety (90) days of the date of hire. The Liquor Inspector may grant an extension not to exceed sixty (60) days for Licensees with less than three (3) employees whose businesses would suffer undue hardship, due to circumstances beyond the Licensee's reasonable control.

Council approved the amendment as introduced by voting 4 – 0 – 1 as follows:

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

Mr. Harrison abstained from voting as he holds a Talbot County liquor license.

Bill No. 1185, as amended, was brought forward for vote. The Council approved Bill No. 1185, as amended, by voting 4 – 0 – 1 as follows:

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

XI. Public Hearings:

A public hearing was held on Bill No. 1197, A BILL TO AMEND CHAPTER 11, TALBOT COUNTY CODE, *ALCOHOLIC BEVERAGES*, TO PROVIDE FOR THE APPOINTMENT, QUALIFICATIONS, POWERS, AND REMUNERATION OF AN ALCOHOLIC BEVERAGE INSPECTOR, AND TO PROVIDE THAT EVIDENCE DISCOVERED DURING ANY INSPECTION OF ANY BUILDING OR PREMISES IN WHICH ALCOHOLIC BEVERAGES ARE AUTHORIZED TO BE KEPT OR SOLD UNDER A LICENSE OR PERMIT ISSUED BY THE TALBOT COUNTY BOARD OF LIQUOR LICENSE COMMISSIONERS SHALL BE ADMISSIBLE IN ANY PROSECUTION FOR VIOLATIONS OF THE PROVISIONS OF CHAPTER 11, AND IN ANY ADMINISTRATIVE HEARING FOR REVOCATION, SUSPENSION, OR RESTRICTION OF THE LICENSE OR PERMIT. The public was afforded an opportunity to comment on the legislation. Mr. Foster requested unanimous consent to move Bill No. 1197 to third reader; there was no objection and Bill No. 1197 was brought forward for vote. Upon motion by Mr. Foster, and unanimous consent of the Council, a full reading of the legislation was waived. The Council approved Bill No. 1197 by voting 4-0-1 as follows:

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

Mr. Harrison abstained from voting as he holds a Talbot County liquor license.

Finance Director Angela Lane read the title of each of the FY2010-2011 Capital Enabling bills (Bill No. 1187 –1196) into the record. Mr. Foster requested unanimous consent to take public comment on all the bills at the same time; there was no objection. Following the public hearings, upon motion by Mr. Foster, and unanimous consent of the Council, Bill Nos. 1187 through 1196 were brought to third reader. Upon motion by Mr. Foster, and unanimous consent of the Council, a full reading of the legislation was waived.

A public hearing was held on Bill No.1187, A BILL TO AUTHORIZE THE EXTENSION OF WATER AND SEWER LINES TO THE PROPOSED SHORE HEALTH (MEMORIAL) HOSPITAL SITE BETWEEN LONGWOODS ROAD AND U.S. ROUTE 50. The public was afforded an opportunity to comment on the legislation. The Council approved Bill No. 1187 by voting 5 – 0 as follows:

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

A public hearing was held on Bill No. 1188, A BILL TO AUTHORIZE TALBOT COUNTY’S SHARE OF CAMPUS INFRASTRUCTURE PLANNING, DESIGN AND CONSTRUCTION OR RENOVATION AND EQUIPPING OF THE KENT HUMANITES BUILDING AT CHESAPEAKE COLLEGE. The public was afforded an opportunity to comment on the legislation. The Council approved Bill No. 1188 by voting 5 – 0 as follows:

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

A public hearing was held on Bill No. 1189, A BILL TO AMEND BILL NO. 1151, INCREASING THE APPROPRIATION FOR THE ENGINEERING AND CONSTRUCTION OF DUTCHMANS LANE CULVERT AND BRIDGE. The public was afforded an opportunity to comment on the legislation. The Council approved Bill No. 1189 by voting 5 – 0 as follows:

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

A public hearing was held on Bill No. 1190, A BILL TO AUTHORIZE REHABILITATION AND REVITALIZATION OF SPORTS FIELDS AT EASTON HIGH SCHOOL. The public was afforded an opportunity to comment on the legislation. The Council approved Bill No. 1190 by voting 5 – 0 as follows:

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

A public hearing was held on Bill No. 1191, A BILL TO AUTHORIZE THE TALBOT COUNTY PUBLIC SCHOOLS’ ONE TO ONE LAPTOP INITIATIVE. The public was afforded an opportunity to comment on the legislation. The Council approved Bill No. 1191 by voting 3 – 2 as follows:

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

A public hearing was held on Bill No. 1192, A BILL TO AMEND BILL NO. 1098, INCREASING THE APPROPRIATION FOR IMPROVEMENTS AT LEWISTOWN ROAD PARK, CORDOVA, MARYLAND. The public was afforded an opportunity to comment on the legislation. The Council approved Bill No. 1192 by voting 5 – 0 as follows:

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

A public hearing was held on Bill No. 1193, A BILL TO AMEND BILL NO. 1135, INCREASING THE APPROPRIATION FOR THE PLANNING, DESIGN, CONSTRUCTION AND/OR RENOVATION AND EQUIPPING OF THE EASTON LIBRARY AND UPGRADING OR REPLACING TELEPHONE SYSTEMS AT EASTON, ST. MICHAELS AND TILGHMAN LIBRARIES. The public was afforded an opportunity to comment on the legislation. The Council approved Bill No. 1193 by voting 5 – 0 as follows:

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

A public hearing was held on Bill No. 1194, A BILL TO AMEND BILL NO. 1169, INCREASING THE APPROPRIATION FOR IMPROVEMENTS TO THE OAK CREEK LANDING BOAT RAMP, NEWCOMB, MARYLAND. The public was afforded an opportunity to comment on the legislation. The Council approved Bill No. 1194 by voting 5 – 0 as follows:

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

A public hearing was held on Bill No. 1195, A BILL TO AUTHORIZE REHABILITATION AND REVITALIZATION OF SPORTS FIELDS AT ST. MICHAELS SCHOOLS. The public was afforded an opportunity to comment on the legislation. The Council approved Bill No. 1195 by voting 5 – 0 as follows:

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

A public hearing was held on Bill No. 1196, A BILL TO AMEND BILL NO. 1148, INCREASING THE APPROPRIATION FOR THE CONSTRUCTION OF BOAT SLIPS AT TONGERS BASIN, TILGHMAN, MARYLAND. The public was afforded an opportunity to comment on the legislation. The Council approved Bill No. 1196 by voting 5 – 0 as follows:

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

Bill Nos. 1187 - 1196 will become effective sixty (60) days from the date of passage.

- XII. Update by Office of Economic Development – Paige Bethke, Director, Office of Economic Development – Ms. Bethke briefed the Council on recent unemployment statistics which were as follows for May 2010: Maryland 7.0 %, Talbot County 7.2%; Talbot County’s rate for June 2010 increased to 7.3%. She stated that in 2008, the national unemployment rate was 5.7% compared to the 2010 rate of 9.6%; the State unemployment level rose from 4.4% to 7.4% and Talbot County’s rate rose from 4.0% to 7.3%. Ms. Bethke stated that despite the recession, Talbot County wages remain competitive at an average rate of \$659 per week. Ms. Bethke gave a brief synopsis of several local companies recently in the news, including Eastcor Engineering and Sanswire for a cooperative project utilizing unmanned aerial vehicles; Wildlife International’s 11,000 square foot addition on Commerce Drive; the expansion of Konsyl Pharmaceutical’s product line in conjunction with Walmart; Flores Engineering, and the L-3Unmanned Systems industrial security achievement award; 100th anniversary of the Dixon House; and Eco Command, a new start-up company. Ms. Bethke will continue to brief the Council on a regular or as needed basis.
- XIII. Update on Dutchmans Lane and Glebe Road Projects – Ray Clarke, County Engineer; Jesse Fearins, Assistant County Engineer - Mr. Clarke briefed the Council on the status of the Dutchmans Lane and Glebe Road Projects, stating that on August 23, 2010, construction had been initiated on the Dutchmans Lane project for a new bottomless culvert at the Windmill Branch stream crossing. He thanked County and state agencies involved in coordination efforts relating to rotating road closures at the construction location in order to provide for the smooth flow of traffic and emergency vehicles. Mr. Clarke stated that a temporary traffic signal is in place and area residents are notified of changes in traffic patterns via the Connect-CTY™ notification system. Acting County Manager Clay Stamp advised that residents will also have the ability to track closures via a link from the homepage on the County’s website beginning on August 25, 2010. Mr. Fearins advised that the Glebe Road Improvement Project will widen the existing travel lanes from their current 9-10 feet to 11 feet, and create 4-foot shoulders on the 1.52 mile portion of Glebe Road from approximately 1,100 feet westerly of the intersection with Goldsborough Neck Road to Unionville Road (MD 370). Mr. Fearins advised that the engineering portion of the project is 95% complete, pending final acquisition of final easements and permits. He stated that no archeological artifacts have been found, non-tidal wetland and sediment control permits have been issued, and critical area mitigation is required. Mr.

Fearins stated that he is working with Verizon and Easton Utilities on the relocation of underground utilities. The Glebe Road Project will begin once all easements have been obtained and the Critical Area mitigation plan has been approved; the road is anticipated to be closed to thru traffic for approximately eight (8) months.

- XIV. Update on Talbot County Community Center Athletic Complex Addition Sewer Design and Costs – Ray Clarke, County Engineer; Jesse Fearins, Assistant County Engineer; Rick Towle, Director, Parks & Recreation – Mr. Clarke requested Council approval to terminate the current contract for Bid No. 10-14, TALBOT COUNTY COMMUNITY CENTER EXTENSION OF SEWER SERVICE FROM THE EASTON WASTEWATER SYSTEM - EASTON, MARYLAND, due to lack of performance, and to initiate negotiation efforts with the next higher bidder, Easton Utilities. Following a motion by Mr. Foster, and a second by Mr. Pack, Council discussion of the request ensued. The Council approved termination of the contract and negotiation with the next higher bidder by voting 5 – 0 as follows:

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

Mr. Clarke advised that he anticipates receiving cost estimates for the proposed temporary sewer line to the Talbot County Community Center by mid-to-late September. Mr. Towle stated that in order to comply with the current timeline for the project to go out to bid in the middle of October, the County must apply for a building permit from the Town of Easton by September 17, 2010. Council discussed the merits of a temporary sewer line to the Talbot County Community Center, and the cost of same, versus the current process of pumping and hauling, until such a time as Shore Health System, Inc. definitively announces the location of its new regional medical center. Council also discussed the merits of moving forward with the proposed addition of an athletic complex at the Talbot County Community Center in the present economy.

- XV. County Manager's Report:

- A. Talbot County Blue Ribbon Stormwater Management Commission – Requested Council approval for the appointment of the following individuals to the Talbot County Blue Ribbon Stormwater Management Commission: Jack Fischer, Member, Talbot County Public Works Advisory Board; Tom Alspach, local attorney; Rick Van Emburgh, local engineer; Rich Hayward, developer; Sara Everhart, local attorney; and an additional, yet to be determined, member of the Talbot County Public Works Advisory Board. Upon motion by Mr. Foster, second by Mr. Duncan, the Council approved the appointments by voting 5 – 0 as follows:

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

- XVI. Special Legislative Day – Upon motion by Mr. Duncan, seconded by Mr. Foster, the Council approved moving the regularly scheduled meeting of Tuesday, September 14, 2010 to Tuesday, September 21, 2010 and designating same as a Special Legislative Day, and re-scheduling the Tuesday, September 14, 2010 public hearing on Bill No. 1198 to Tuesday, September 28, 2010 by voting 5 – 0 as follows:

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

- XVII. Public Hearing on the Easton Airport Expansion Project – Mr. Foster stated that he and Mr. Bartlett had agreed that a public hearing be scheduled on the airport project and requested Council schedule same. Council approved the scheduling of a public hearing on Tuesday, September 28, 2010 at 6:00 p.m. At Council’s request, Airport Manager Mike Henry will provide a presentation of the various options.
- XVIII. Public Hearing on the Final Design Proposal of the Talbot County Community Center Athletic Complex Addition – Mr. Duncan requested that Council schedule a public hearing on the final design proposal of the Talbot County Community Center Athletic Complex project. Council approved the scheduling of the public hearing on Tuesday, September 21, 2010 at 6:00 p.m.
- XIX. Council Comments:
- Mr. Duncan- Following his request to hold a public hearing on the final design proposal of the Talbot County Community Center Athletic Complex project Mr. Duncan stated that he, Mr. Foster and Mr. Bartlett had attended a town meeting in St. Michaels regarding “Miles Point Green.” He stated that the Town of St. Michaels has an option to purchase 70 plus acres of Miles Point. He stated that it was commendable for the Town to put together the meeting to try to resolve the issue through the involvement of a citizens’ group which is attempting to raise enough funds to purchase the property and make it into a passive park, adding that the Town had been in litigation with the developer and the Critical Area Commission for 12 years. He encouraged anyone who is interested in the project to contact the Town of St. Michaels, or Eastern Shore Land Conservancy who is handling the financing for the project.
- Mr. Foster - Mr. Foster echoed Mr. Duncan’s comments, adding that, in his opinion, the meeting was a positive one and he also encouraged anyone interested in donating to the project to contact the Town of St. Michaels. He offered congratulations to the Town of Easton on their 300th Anniversary Dinner held the previous day, and extended congratulations to Chip and JoAnn Cuncell, recent recipients of the Soil Conservation 2010 Cooperator of the Year Award. Mr. Foster advised that the County Council will be making a formal presentation to the Councells at a later date.
- Mr. Bartlett - No comments.
- Mr. Pack - No comments.
- Mr. Harrison - Mr. Harrison echoed his colleagues’ comments on the option by the Town of St. Michaels to purchase the Miles Point property, stating that in the past 12 years,

hundreds of people have wanted to preserve the land, and that for those who believe in the project, now is the time to act.

- XX. Upon motion by Mr. Bartlett, seconded by Mr. Foster, the Council voted to adjourn into a Work Session then into Executive Session for discussion of legal, personnel and real estate matters, and to reconvene into Executive Session on Tuesday, September 21, 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 7:23 p.m.

- XXI. Work Session on Proposed Wind Turbine Legislation – Sandy Coyman, Planning Officer; Brett Ewing, Planner; Members, Blue Ribbon Wind Turbine Commission – Staff provided a briefing on the study of wind turbines undertaken by the Council appointed Wind Turbine Blue Ribbon Commission comprised of the following members: John Akridge, III, Timothy Fluharty, Richard Lesser, Barbara Padden. Specifically the Wind Turbine Blue Ribbon Commission was tasked with drafting additional wind turbine regulations to address issues and concerns such as: designating wind turbine farms as a commercial activity and establishing same with an overlay zone; prohibiting wind turbine farms from residential districts; establishing criteria for applying for a permit for wind turbines which would put the applicant and opposition on a level playing field; reducing the impact of wind turbines to adjoining property owners; establishing a minimum lot size for wind turbines with consideration for proportionality issues and number of wind turbines allowed based on lot size; regulating wind turbines from both an audible and a visual standpoint; considering the proximity of wind turbines to other structures on the applicant’s parcel; considering requiring an economic analysis prior to permitting (i.e. a wind turbine of “x” size at “x” speed will generate “x” kilowatts and will offset cost by “x”); developing a map of wind speeds in the County in order to assist potential consumer against fraudulent claims by seller about wind speeds and proposed cost savings (consumer protection statement); considering whether to regulate area of productivity and placement; and establishing how to measure kilowatt hours (i.e., exponential increase). The Wind Turbine Blue Ribbon Commission worked with staff from Planning and Zoning along with Andrew Kohn, consultant with Maryland Energy Administration, to draft legislation which addressed each of these concerns with the exception of the consumer protection statement; the Commission did not feel that they had the expertise to draft language to address this concern. The proposed legislation was submitted to the Planning Commission and reviewed at their May 5th and June 2nd meetings. By a vote of 5 - 0, the Planning Commission unanimously approved the submittal of the legislation, with amendments, to the County Council for their action. Council discussion ensued. In response to a question by the Council about safety precautions for wind turbine production facilities in the event of high wind speeds (*i.e.*, hurricane), Mr. Fluharty advised the Council that a computer affixed to the turbines would generate an alarm and brake turbine from rotating. The legislation will be scheduled for introduction in September, 2010.
- XXII. On Tuesday, August 24, 2010 an Executive Session of the Talbot County Council convened at 12:40 p.m. in the County Council Conference Room and Bradley Meeting Room. Upon motion by Mr. Duncan seconded by Mr. Pack, the Council met in Executive Session by voting 4 - 0 as follows:

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

Mr. Foster arrived at 12:41 p.m.

In accordance with State Article §10-508(a)(1)(i) (3)(7)(8) the purpose of the Executive Session was for a discussion of personnel matters to discuss hiring of Director for Administrative Services and to discuss appointments to various County boards and committees; for a legal matter for an update on pending litigation involving the County; and for a real estate matter to discuss easement acquisition on property for a public purpose. The meeting recessed at 1:30 p.m. and reconvened at 8:20 p.m. The Executive Session ended at 9:20 p.m.

The transcript of the August 24, 2010 County Council meeting is available for review in the Office of the County Manager during regular office hours.

CASH STATEMENT 8/17/2010

BALANCE 8/10/2010	\$20,717,292.87
UHC CLAIMS THRU 8/10/2010	(49,853.24)
MLGIP/TALBOT BANK INTEREST 7/2010	3,814.65
BANK CHARGES 7/2010	(2,530.21)
ST/FISH&WILDLIFE HANGAR RENT 6/2010	361.00
STATE REPORT 7/2010	(6,264,586.17)
DEPOSIT TICKETS ORDER	(209.09)
PURCHASE CD@BB&T 188DAYS@0.26% , 2/15/2011	(4,000,000.00)
PURCHASE CD@BB&T 363DAYS@0.52% , 8/9/2011	(4,000,000.00)
STALE DATE CHECKS	35,688.30
TRANSFER LOCAL SHARE TO AIP30	(592.00)
DEPOSITS	462,491.77
CHECKS	(402,646.94)
VOID CHECK NO. 262240	6.12
BALANCE 8/17/2010	<u>6,499,237.06</u>

AIRPORT ACCOUNTS

AIP29			---
AIP30	BALANCE 8/10/2010	\$ 991.39	
	DEPOSITS	22,695.34	
	LOCAL SHARE	592.00	
	CHECKS	(23,682.00)	596.73
AIP33-DSA			2,505.00
NEW AIP-RUNWAY 4-22 EXTENSION ANALYSIS			0.00

AIP34			9,246.37
AIP35	BALANCE 8/10/2010	\$ 67,153.62	
	DEPOSITS	658,438.63	
	CHECKS	(631,429.05)	94,163.20
AIP36			0.00
AIP37			0.00
AIRPORT ACCOUNTS TOTAL BALANCE			<u>\$106,511.30</u>

INVESTMENTS – CERTIFICATES OF DEPOSIT

<u>CERTIFICATE DATE</u>	<u>MATURITY DATE</u>	<u>RATE</u>	<u>AMOUNT</u>
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
07/27/2010	10/26/10	0.21%	3,000,000.00
06/29/2010	12/28/10	0.47%	3,000,000.00
07/27/2010	01/25/11	0.26%	3,000,000.00
05/11/2010	02/15/11	0.50%	3,000,000.00
08/11/2010	02/15/11	0.26%	4,000,000.00
06/15/2010	03/15/11	0.56%	3,000,000.00
06/29/2010	03/29/11	0.61%	3,000,000.00
07/13/2010	01/18/11	0.47%	3,000,000.00
07/13/2010	04/26/11	0.61%	5,000,000.00
07/27/2010	04/26/11	0.36%	3,000,000.00
07/27/2010	07/26/11	0.51%	6,000,000.00
08/11/2010	08/09/11	0.52%	4,000,000.00
PNC-MLGIP INVESTMENTS TOTAL		0.20%	3,000,000.00

TOTAL INVESTED **\$64,000,000.00**

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

GRAND TOTAL ALL FUNDS **\$70,612,548.36**

CASH STATEMENT 8/24/2010

BALANCE 8/17/2010	\$6,499,237.06
UHC CLAIMS THRU 8/17/2010	(52,369.62)
PAYROLL-FD/SS/MS WH 8/20/2010	(118,596.21)
SECUR DED	(10,025.81)
DEFERRED COMP DED	(9,568.45)
MD WH	(29,591.92)

PENSION DED	(21,356.04)
ACH TRANSFER	(10,110.00)
FLEX SPENDING ACCT	(2,444.83)
DEPOSITS	5111,657.90
CHECKS	(1,094,825.82)
BALANCE 8/24/2010	<u>5,662,006.26</u>

AIRPORT ACCOUNTS

AIP29			---
AIP30	BALANCE 8/17/2010	\$ 596.73	
	CHECKS	(312.50)	284.23
AIP33-DSA			2,505.00
NEW AIP-RUNWAY 4-22 EXTENSION ANALYSIS			0.00
AIP34			9,246.37
AIP-35			94,163.20
AIP36			0.00
AIP37			0.00
AIRPORT ACCOUNTS TOTAL BALANCE			<u>\$106,198.80</u>

INVESTMENTS – CERTIFICATES OF DEPOSIT

<u>CERTIFICATE DATE</u>	<u>MATURITY DATE</u>	<u>RATE</u>	<u>AMOUNT</u>
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
07/27/2010	10/26/10	0.21%	3,000,000.00
06/29/2010	12/28/10	0.47%	3,000,000.00
07/27/2010	01/25/11	0.26%	3,000,000.00
05/11/2010	02/15/11	0.50%	3,000,000.00
08/11/2010	02/15/11	0.26%	4,000,000.00
06/15/2010	03/15/11	0.56%	3,000,000.00
06/29/2010	03/29/11	0.61%	3,000,000.00
07/13/2010	01/18/11	0.47%	3,000,000.00
07/13/2010	04/26/11	0.61%	5,000,000.00
07/27/2010	04/26/11	0.36%	3,000,000.00
07/27/2010	07/26/11	0.51%	6,000,000.00
08/11/2010	08/09/11	0.52%	4,000,000.00
PNC-MLGIP INVESTMENTS TOTAL		0.21%	3,000,000.00

TOTAL INVESTED **\$64,000,000.00**

PETTY CASH BALANCE	<u>\$6,800.00</u>
GRAND TOTAL ALL FUNDS	<u>\$69,775,005.06</u>