



Talbot County, Maryland



Easton, Maryland

MINUTES

December 8, 2009

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, Assistant County Manager James Urbanczyk and County Attorney Michael Pullen.

- I. Agenda – Agenda of December 8, 2009 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 November 24, 2009 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

- III. Disbursements – Disbursements of December 1, 2009 and December 8, 2009 were approved upon Motion by Mr. Foster, 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

- IV. Presentation of Past President’s Gavel to Mr. Foster – Mr. Harrison thanked his colleagues for their support and confidence in electing him as president, and he thanked Mr. Foster for serving as Council president from November 2007 to December 2009. On behalf of the citizens of Talbot County, Mr. Harrison presented Mr. Foster with a Past President’s gavel. Mr. Foster expressed his appreciation for the gift, expressed his confidence in Mr. Harrison as president, and wished him well during his term of office.

- V. Council Commendation to Retired Deputy John Tritapoe, DARE Officer, Talbot County Sheriff’s Office – Dallas Pope, Sheriff of Talbot County introduced Mr. Tritapoe, affectionately known by the children of Talbot County as “Officer John,” of the Talbot County Drug Abuse Resistance Education (DARE) Program. Sheriff Pope explained that the purpose of the community outreach school program is to guide elementary school youth toward healthy choices so as to avoid involvement in drugs, alcohol, tobacco and violence. The Clerk read a commendation from the Council into the record in recognition of Mr. Tritapoe’s eight plus years of service as the DARE Officer for Talbot County. Upon motion by Mr. Foster, seconded by Mr. Pack, the Council approved the Commendation by voting 5 – 0 as follows:

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

Mr. Duncan presented the Commendation to Mr. Tritapoe.

VI. Introduction of Legislation:

Prior to the scheduled introduction of legislation, County Attorney Michael Pullen provided a brief summary for the Council of the purpose for the proposed legislation; to clarify that notwithstanding the adoption of an amendment to a particular ordinance, a code violation that was either pending or existing but not yet discovered, would nevertheless be subject to code enforcement in the same manner as if the new act had not been adopted. Mr. Pullen continued that enactment of the legislation would thus preserve the status quo for pending or potential enforcement actions, notwithstanding amendments to an ordinance which was violated. Council discussion ensued. A BILL TO SPECIFY THAT COUNTY LEGISLATIVE ACTS SHALL NOT AFFECT ANY PENDING CODE VIOLATION ENFORCEMENT ACTION, WHICH SHALL BE PROSECUTED TO FINAL JUDGMENT, INCLUDING ANY APPEAL, APPLYING THE CODE IN EFFECT BEFORE THE ACT WAS ADOPTED; THAT, NOTWITHSTANDING ADOPTION OF AN ACT, THE COUNTY MAY PURSUE EXISTING VIOLATIONS IN THE SAME MANNER AND SUBJECT TO THE SAME SANCTIONS AS IF THE ACT HAD NOT BEEN ADOPTED; AND THAT ADOPTION OF AN ACT DOES NOT RELEASE, EXTINGUISH, OR CHANGE ANY SANCTIONS FOR EXISTING CODE VIOLATIONS UNLESS THE ACT SHALL EXPRESSLY SO PROVIDE was then introduced by Mr. Bartlett as Bill No. 1177. A public hearing was scheduled for Tuesday, January 12, 2010 at 2:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

VII. Presentation of Maryland Agricultural Land Preservation Foundation (MALPF) Easement Applications – Sandy Coyman, Planning Officer; Martin Sokolich, Long Range Planner – Mr. Sokolich requested Council approval of the 2009 district applications to the MALPF Program; said applications meet acreage and soil quality criteria as determined by MALPF and have been reviewed and recommended by the local advisory board and the Talbot County Planning Commission. Upon motion by Mr. Bartlett, seconded by Mr. Foster, the Council approved the applications as presented by voting 5 – 0 as follows:

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

VIII. Quarterly Update from the Economic Development Commission – Paige Bethke, Director, Office of Economic Development; Members, Economic Development Commission – Ms. Bethke briefed the Council on the state of the economy in Talbot County and provided statistical information on same, including income, housing, and largest employers. She stated that the county’s population of 36,000 includes an employee base of 17,997 and an unemployment rate of 7%, double the rate of three years ago, and added that the county has lost approximately 1,500 jobs and 150 businesses since 2007; most of the job loss has been in the manufacturing and construction sectors. Job sectors which continue to remain strong in the county include agriculture, the airport, healthcare, and manufacturing. She emphasized the geographical location of Talbot County with regard to the attraction of businesses, particularly environmental technology companies, and noted the opportunity for economic development associated with the location of the 92 federal laboratories throughout the state. Ms. Bethke reported that her office and the Commission continue

to focus on job retention in the county by visiting with businesses on a regular basis and by providing information on resources available to meet the businesses' needs. Council discussion ensued with Ms. Bethke and members of the Commission. Mr. Harrison requested that Ms. Bethke contact the Maryland Department of Business and Economic Development to obtain a copy of the State's proposed Oyster Spatial Management Plan for review by the Council. The Economic Development Commission will continue to provide updates to the Council on a timely basis.

IX. County Manager's Report:

- A. Mr. Hollis gave a follow-up to remarks made by immediate past Council president Foster at the Tuesday, November 24, 2009 Council meeting regarding information received from the State. The information provided pertained to income receipts for the month of November 2009 which were \$5.9 million less than anticipated. Mr. Hollis outlined a proposal to address the immediate budget deficit by stating as follows: \$4.3 million currently reserved in the budget for future capital projects would be moved to the general fund; approximately \$500,000 received from the Talbot County Health Department would be placed in the general fund; normally funds from this separate account are reserved for maintenance of the Health Department building and grounds which are County-owned; \$500,000 in interest generated from the capital project funds would be returned to the general fund; said interest normally remains in the capital funds account; a \$370,000 reduction in departmental operations; and savings of approximately \$200,000 due to retirements and vacancies. Council requested staff to prepare an Administrative Resolution for introduction at the Tuesday, December 22, 2009 Council meeting, outlining the proposal as presented.
- B. Introduction of New Finance Director - Mr. Hollis introduced Angela Lane, new Finance Director for Talbot County. Mr. Hollis stated that Ms. Lane had formerly served as the County's Finance Director from 2000 to 2004 after having served for eight years as the County's Fiscal Analyst. Ms. Lane returns to the County after working for five years in the local private sector as a Corporate Controller.
- C. Talbot County Emergency Services Advisory Board – Requested Council approval for the reappointment of Ruth Sullivan as a representative of Trappe District, and Gary Moore as a representative of Easton District, to one-year terms on the Talbot County Emergency Services Advisory Board; said terms will expire February 1, 2011. The Emergency Services Advisory Board was created by the enactment of Bill No. 1175, enacted by the County Council on Tuesday, November 24, 2009 and was formerly known as the Emergency Medical Services Management Advisory Board. Upon motion by Mr. Foster, seconded by Mr. Duncan, the Council approved the reappointments by voting 5 – 0 as follows:
- Mr. Harrison – Aye
Mr. Pack – Aye
Mr. Duncan – Aye
Mr. Foster – Aye
Mr. Bartlett - Aye
- D. Talbot County Historic Preservation Commission – Requested Council approval for the appointment of Ward Bucher to the Talbot County Historic Preservation Commission; said term will complete the unexpired term of Polly Shannahan and will expire July 1, 2010. Upon motion by Mr. Duncan, seconded by Mr. Foster, the Council approved the appointment by voting 5 – 0 as follows:

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

- E. Mid-Shore Mental Health Systems, Inc. Board of Directors – Requested Council approval for the appointment of Angela Lane to a four-year term on the Mid-Shore Mental Health Systems, Inc. Board of Directors; said term will expire November 1, 2014. Upon motion by Mr. Pack, seconded by Mr. Duncan, the Council approved the appointment by voting 5 – 0 as follows:

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

- F. Talbot Family Network Board of Directors – Requested Council approval for the appointment of Marlene Thomas as a private sector representative and Nancy Fauntleroy as a public sector representative to three-year terms on the Talbot Family Network Board of Directors; said terms will expire June 30, 2012. Mr. Hollis also requested the appointment of Angela Lane, Talbot County Finance Director, to the Talbot Family Network Board of Directors as an ex-officio member. Upon motion by Mr. Pack, seconded by Mr. Foster, 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

X. Council Comments:

Mr. Foster- Mr. Foster welcomed Angela Lane to Talbot County Government. He stated that, in his opinion, the Christmas holidays are more than a commercial activity and encouraged everyone to interact with family and friends and to perhaps reassess what is really important in life. He also encouraged everyone to attend one of the many church and school concerts and other community events being held during the holiday season, to reach out to those less fortunate through food pantries, etc., and advised that the County is collecting items to be distributed by various agencies to those less fortunate.

Mr. Duncan - No comments.

Mr. Pack- Mr. Pack echoed Mr. Foster's remarks and asked that we remember the reason for the season. He also encouraged everyone to spend time with family and friends and wished all a joyous time.

Mr. Bartlett- Mr. Bartlett commended Kathy Foster for her excellent reporting and updates on the H1N1flu and thanked her and her staff for providing information to the public on a timely basis, particularly in light of the recent budget cuts faced by her department. He also thanked Ms. Foster and her department for working diligently with the schools and their nurses during recent flu outbreaks.

Mr. Harrison- Mr. Harrison thanked his colleagues for their support as he assumes the role of Council president. He reiterated Council's directive to staff to find ways to balance the County's budget in light of revenue shortfalls, and commended staff and Finance Director Angela Lane for their work and recommendations; adding that as the County goes into the holiday season its finances are again stable. He reminded everyone that such stability is made partially possible by the conservativeness of Talbot County Government in past years to maintain a "rainy day fund" from which the County can draw if necessary. Mr. Harrison concluded his comments by stating that, in his opinion, the County is not out of the woods yet, but can see daylight.

XI. Upon motion by Mr. Pack, seconded by Mr. Foster, the Council voted to adjourn to Administrative Function then to Executive Session for discussion of a real estate matter, and to reconvene in Executive Session on Tuesday, December 22, 2009 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 2:52 p.m.

The transcript of the December 8, 2009 County Council meeting is available for review in the Office of the County Manager during regular office hours.

XII. Prior to the meeting on December 8, 2009 an Executive Session of the Talbot County Council convened at 12:30 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 3 - 0 as follows:

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

Mr. Foster arrived at 12:45 p.m.

Mr. Pack arrived at 12:51 p.m.

In accordance with State Article §10-508(a)(1)(i)(3)(4)(7)(8) the purpose of the Executive Session was for discussion of personnel matters to discuss appointments to various County boards and committees and to discuss vacancies in the Sheriff's Department; for a real estate matter to discuss the possible acquisition of land adjacent to Cummings Creek Public Landing; for a legal/real estate matter to obtain legal advice concerning the possible relocation of The Memorial Hospital at Easton to County-owned property and the timetable for same; and for legal matters to obtain legal advice to discuss the recent ruling from the FCC regarding wireless communication towers and deadlines for tower approval and its affect in Talbot County - potential lawsuit to be filed against Talbot County; and for legal advice to discuss pending zoning enforcement litigation involving Talbot County. The meeting recessed at 1:30 p.m., reconvened at 3:00 p.m. and ended at 3:15 p.m.

- XIII. Work Session: Renovation of Talbot County Free Library in Easton – Mike Pones, WMCRP Architects; Robert Horvath, Director, Talbot County Free Library; Ray Clarke, County Engineer – Mr. Pones provided Council updated architect’s renderings for the planned renovations to the Talbot County Free Library in Easton. Ray Clarke stated that Mr. Pones had previously provided Council with a floor plan of the proposed renovations, including several add alternate options and advised Council that the anticipated cost of renovation ranged from \$4.5 million as a distressed market value to \$6.0 to \$6.6 million as a fair market value. Mr. Horvath advised Council that the Library has secured a \$745,000 grant and that funding from a Rural Development Grant may also be available. Mr. Pones outlined the timeline for start-up of construction, once approved by Council, as follows: completion of bid documents by the end of January 2010; submittal of bid notice in early February; receipt of bids by the end of February and award of bid; the normal construction phase would then ensue. Mr. Clarke stated that mitigation of buried oil tanks on the property, estimated to cost \$50,000, will be addressed prior to contractors coming on site. Mr. Bartlett requested that Mr. Pones provide a breakdown of anticipated renovation costs. Mr. Pones will continue to update Council on a regular basis.

CASH STATEMENT 12/01/2009

BALANCE 11/24/2009	\$4,793,922.14
SALE & INTEREST ON CD@TALBOT BANK	6,236,036.57
PURCHASE CD@TALBOT BANK	(6,000,000.00)
308 <u>DAYS@0.60%</u> , 9/28/2010	
UHC CLAIMS 11/24/2009	(48,695.35)
INCOME TAX 11/2009	4,083,703.54
BOARD OF EDUCATION 11/2009	(2,851,500.00)
PAYROLL-FD/SS/MS WH 11/24/2009	(117,342.66)
SECU DED	(10,873.70)
DEFERRED COMP DED	(8,138.45)
MD WH	(30,572.68)
PENSION DED	(22,615.91)
ACH TRANSFER	(10,875.00)
FLEX SPENDING ACCT	(2,210.29)
DEPOSITS	197,684.51
CHECKS	(554,392.57)
VOID CHECK NO. S 257051	306.37
BALANCE 12/01/2009	<u>5,654,436.52</u>
<u>AIRPORT ACCOUNTS</u>	
AIP29	5,877.63
AIP30	718.61
AIP-32	597.01
AIP33-DSA	2,505.00
NEW AIP-RUNWAY 4-22 EXTENSION ANALYSIS	-
AIP-34-NEW	-
AIP-35-NEW	4,200.00
AIRPORT ACCOUNTS TOTAL BALANCE	<u>\$13,898.25</u>

INVESTMENTS – CERTIFICATES OF DEPOSIT

<u>CERTIFICATE DATE</u>	<u>MATURITY DATE</u>	<u>RATE</u>	<u>AMOUNT</u>
07/28/2009	12/29/10	0.97%	6,000,000.00
08/04/2009	01/26/10	0.66%	6,000,000.00
02/24/2009	02/23/10	2.76%	6,000,000.00
03/31/2009	03/31/10	2.11%	6,000,000.00
04/28/2009	04/27/10	1.61%	3,000,000.00
06/01/2009	04/27/10	1.56%	3,000,000.00
08/04/2009	05/25/10	1.03%	6,000,000.00
06/30/2009	06/29/10	1.51%	6,000,000.00
07/28/2009	07/27/10	1.14%	6,000,000.00
09/29/2009	08/31/10	0.79%	3,000,000.00
11/06/2009	08/31/10	0.62%	3,000,000.00
11/24/2009	09/28/10	0.60%	6,000,000.00
PNC - MLGIP INVESTMENTS TOTAL		0.18%	3,000,000.00
TOTAL INVESTED			<u>\$63,000,000.00</u>
PETTY CASH BALANCE			<u>\$6,850.00</u>
GRAND TOTAL ALL FUNDS			<u>\$68,675,184.77</u>

CASH STATEMENT 12/08/2009

BALANCE 12/01/2009	\$5,654,436.52
INTEGRA 12/2009	(10,656.52)
GOLF COURSE EQUIPMENT LEASE 12/2009	(1,309.20)
PAYROLL – FD/SS/MS WH 12/04/2009	2,933.44
MD WH	(599.73)
PENSION DED	(184.17)
FLEX SPENDING ACCT	(205.00)
DEPOSITS	1,473,900.10
CHECKS	(227,214.25)
BALANCE 12/08/2009	<u>6,885,234.31</u>

AIRPORT ACCOUNTS

AIP29	BALANCE 12/01/2009	\$ 5,877.63	
	CHECK	\$ (3,393.00)	2,484.63
AIP30			718.61
AIP-32			597.01
AIP33-DSA			2,505.00
NEW AIP-RUNWAY 4-22 EXTENSION ANALYSIS			-
AIP34-NEW			-

AIP-35-NEW 4,200.00

AIRPORT ACCOUNTS TOTAL BALANCE \$10,505.25

INVESTMENTS – CERTIFICATES OF DEPOSIT

<u>CERTIFICATE DATE</u>	<u>MATURITY DATE</u>	<u>RATE</u>	<u>AMOUNT</u>
07/28/2009	12/29/10	0.97%	6,000,000.00
08/04/2009	01/26/10	0.66%	6,000,000.00
02/24/2009	02/23/10	2.76%	6,000,000.00
03/31/2009	03/31/10	2.11%	6,000,000.00
04/28/2009	04/27/10	1.61%	3,000,000.00
06/01/2009	04/27/10	1.56%	3,000,000.00
08/04/2009	05/25/10	1.03%	6,000,000.00
06/30/2009	06/29/10	1.51%	6,000,000.00
07/28/2009	07/27/10	1.14%	6,000,000.00
09/29/2009	08/31/10	0.79%	3,000,000.00
11/06/2009	08/31/10	0.62%	3,000,000.00
11/24/2009	09/28/10	0.60%	6,000,000.00

PNC - MLGIP INVESTMENTS TOTAL 0.18% 3,000,000.00

TOTAL INVESTED \$63,000,000.00

PETTY CASH BALANCE \$6,500.00

GRAND TOTAL ALL FUNDS \$69,902,239.56