



# Talbot County, Maryland



Easton, Maryland

MINUTES

July 27, 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 July 27, 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 July 13, 2010 were approved upon motion by Mr. Bartlett, 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

III. Disbursements – Disbursements of July 20, 2010 and July 27, 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. Presentation by Talbot Paramedic Foundation – Will Howard, President, Talbot Paramedic Foundation; Wayne Dyott, Vice President, Talbot Paramedic Foundation; Sheila Wainwright, Secretary/Treasurer, Talbot Paramedic Foundation; Brian LeCates, Director of Emergency Medical Services - Mr. Howard briefed the Council on fundraising efforts by the Talbot Paramedic Foundation to purchase five (5) state-of-the-art LifePak 15 monitor/defibrillators at a cost of \$30,000 each. Mr. LeCates explained that the monitor/defibrillators provide emergency personnel more accuracy and greater capability in the collection of patient data, including the ability to transmit readings to a hospital. Mr. Howard advised that on September 18, 2010, Talbot Paramedic Foundation will hold a fundraiser at Easton Airport.

V. Presentation of Senior Care Budget – Mary Sellers, LCSW-C, Senior Care Coordinator, Talbot County Health Department; Kathy Foster, R.N., M.S., Talbot County Health Officer – Ms. Sellers briefed the Council on the FY2011 Senior Care Program Budget, including the number of elderly clients served by the Senior Care Program in the past fiscal year (261 clients), and provided a profile of the typical client. She explained that the Senior Care Program is designed to assist clients with financial and personal care needs so that individuals can remain in their own homes rather than going into nursing homes or other care facilities. No County funds are included in the Senior Care budget. Upon motion by Mr. Duncan, seconded

by Mr. Foster, the Council approved the Senior Care Program Budget as presented by voting 5 – 0 as follows:

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

VI. Introduction of Legislation:

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 was brought forward for introduction. Mr. Pullen called for a Point of Order, stating that Mr. Foster had requested that he prepare amendments to the legislation. Mr. Foster stated that there had been changes in the draft legislation and that the new language would be the language which is introduced. Introduction of the legislation was temporarily tabled.

Prior to the introduction of the FY2010-2011 Capital Enabling Legislation, Finance Director, Angela Lane read the title of each proposed bill into the record and gave a brief description of the purpose of same. The Clerk then read each bill into the record and the bills were introduced as follows:

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 was introduced by Mr. Bartlett, Mr. Duncan, Mr. Foster, Mr. Harrison, and Mr. Pack as Bill No. 1187. A public hearing was scheduled for Tuesday, August 24, 2010 at 2:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

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 50 was introduced by Mr. Bartlett, Mr. Duncan, Mr. Foster, Mr. Harrison, and Mr. Pack as Bill No. 1188. A public hearing was scheduled for Tuesday, August 24, 2010 at 2:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

A BILL TO AMEND BILL NO. 1151, INCREASING THE APPROPRIATION FOR THE ENGINEERING AND CONSTRUCTION OF DUTCHMANS LANE CULVERT AND BRIDGE was introduced by Mr. Bartlett, Mr. Duncan, Mr. Foster, Mr. Harrison, and Mr. Pack as Bill No. 1189. A public hearing was scheduled for Tuesday, August 24, 2010 at 2:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

A BILL TO AUTHORIZE REHABILITATION AND REVITALIZATION OF SPORTS FIELDS AT EASTON HIGH SCHOOL was introduced by Mr. Bartlett, Mr. Duncan, Mr. Foster, Mr. Harrison, and Mr. Pack as Bill No. 1190. A public hearing was scheduled for Tuesday, August 24, 2010 at 2:00 p.m. in

the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

A BILL TO AUTHORIZE THE TALBOT COUNTY PUBLIC SCHOOLS' ONE TO ONE LAPTOP INITIATIVE was introduced by Mr. Bartlett, Mr. Harrison, and Mr. Pack as Bill No. 1191. A public hearing was scheduled for Tuesday, August 24, 2010 at 2:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

A BILL TO AMEND BILL NO. 1098, INCREASING THE APPROPRIATION FOR IMPROVEMENTS AT LEWISTOWN ROAD PARK, CORDOVA, MARYLAND was introduced by Mr. Bartlett, Mr. Duncan, Mr. Foster, Mr. Harrison, and Mr. Pack as Bill No. 1192. A public hearing was scheduled for Tuesday, August 24, 2010 at 2:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

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 was introduced by Mr. Duncan, Mr. Foster, and Mr. Harrison as Bill No. 1193. A public hearing was scheduled for Tuesday, August 24, 2010 at 2:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

A BILL TO AMEND BILL NO. 1169, INCREASING THE APPROPRIATION FOR IMPROVEMENTS TO THE OAK CREEK LANDING BOAT RAMP, NEWCOMB, MARYLAND was introduced by Mr. Bartlett, Mr. Duncan, Mr. Foster, Mr. Harrison, and Mr. Pack as Bill No. 1194. A public hearing was scheduled for Tuesday, August 24, 2010 at 2:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

A BILL TO AUTHORIZE REHABILITATION AND REVITALIZATION OF SPORTS FIELDS AT ST. MICHAELS SCHOOLS was introduced by Mr. Bartlett, Mr. Duncan, Mr. Foster, Mr. Harrison, and Mr. Pack as Bill No. 1195. A public hearing was scheduled for Tuesday, August 24, 2010 at 2:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

A BILL TO AMEND BILL NO. 1148, INCREASING THE APPROPRIATION FOR THE CONSTRUCTION OF BOAT SLIPS AT TONGERS BASIN, TILGHMAN, MARYLAND was introduced by Mr. Bartlett, Mr. Duncan, Mr. Foster, Mr. Harrison, and Mr. Pack as Bill No. 1196. A public hearing was scheduled for Tuesday, August 24, 2010 at 2:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

VII. Introduction of Numbered Resolution:

Mr. Bartlett requested permission to amend the agenda in order to introduce a resolution to clarify the original 1993 resolution regarding the policy for connection to the low-pressure connection system force main from Copperville, Tunis Mills and Unionville to the Region II Wastewater Treatment Plant. Mr. Bartlett stated that he had the consensus of two other members. Upon unanimous consent of the Council, the agenda was amended to include the introduction of the resolution.

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 introduced by Mr. Bartlett as Resolution No. 173. A public hearing was scheduled for Tuesday, August 10,

2010 at 2:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

VIII. Introduction of Legislation:

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 was introduced by Mr. Foster and Mr. Pack as Bill No. 1197. A public hearing was scheduled for Tuesday, August 24, 2010 at 2:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 N. Washington St., Easton, Maryland 21601.

IX. Eligible for Vote:

Prior to the vote on Resolution No. 171, Mr. Foster outlined the provisions of an amendment to his proposed amendment to Resolution No. 171, deleting the words “*No capital*” from line 17 on page 3, deleting all of line 18 on page 3, *project approved by enabling legislation is subject to reduction in funding or abandonment after*, and deleting the words “*the referendum period has expired*” from line 19 of page 3, summarized as follows:

**Proposed Amendment:**

- (1) to add a definition of “fiscal emergency,” to § 602 to mean: (a) the current expense budget is at least ~~10%~~5% below the prior year’s expense budget as adopted, and (b) anticipated revenues for the current expense budget are at least 10% below budgeted amounts for at least two consecutive quarters, and (c) contingency funds have been exhausted, and (d) the unreserved and undesignated fund balances have been reduced to 25% of the amounts provided in the current budget, and (e) the County Council declares an emergency need for funds; and,
- (2) to add a new paragraph to § 617 to provide that, with a four-fifths affirmative vote of the full Council (1) to meet a fiscal emergency the Council may reduce funding for pending capital projects or abandon capital projects, and (2) without a fiscal emergency the Council may withdraw funding from a capital project (a) after a capital project is completed and all payments therefore have been made; or, (b) if enabling legislation has failed to pass for three successive years after funds are first appropriated for the capital project, or, (c) if enabling legislation has been enacted but has been petitioned to referendum and the voters at the referendum fail to approve the enabling legislation.
- (3) to provide that ~~no capital project approved by enabling legislation is subject to reduction in funding or abandonment after the referendum period has expired, and that proceeds or~~ funds that have been contractually committed may not be removed from a capital project or used for any other purpose.

The amendment to the amendment to Resolution No. 171 was brought forward for vote. The Council approved the amendment to the amendment by voting 5 – 0 as follows:

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

The Amendment, as amended, to Resolution No. 171 was brought forward for vote. The Council did not approve the Amendment, as amended, by voting 1 – 4 as follows:

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

Resolution No. 171 was brought forward for vote. Prior to the vote, Council members made the following comments:

Mr. Bartlett – Mr. Bartlett stated that he has some concerns with some of the provisions of the legislation but, in his opinion, it is reasonable that the public should be allowed to weigh in on the matter. He stated that he appreciated Mr. Foster's good intentions at attempting to clarify portions of Resolution No. 171. He continued that he had no problem with the simple four-fifths vote, stating that in his opinion, it would be very difficult to get, and that he thinks the public may want government to have more flexibility. He then read into the record a rating on the stability of Talbot County finances by Fitch rating service. Mr. Bartlett continued that, in his opinion, the County needs to be careful how it manages its affairs related to fiscal emergencies like he believes it will have, particularly with the possibility that the State and/or Federal Government might mandate that the costs of some programs be transferred to local jurisdictions. He stated that, in his opinion, the County needs all the flexibility it can get, but, the possibility of five new Council members worries him as they could, if they chose, undo a lot of capital projects already underway, again reiterating that a four-fifths majority vote would be difficult to obtain, in his opinion. Mr. Bartlett concluded his comments by stating that while he was not originally in favor of a change in the Charter on this matter, he now believes it is reasonable.

Mr. Pack – Mr. Pack stated that he shares Mr. Bartlett's concerns, adding that, in his opinion, it is the best of times and the worst of times. He stated that many counties can already move funds. He continued that he had wrestled the issue for some time, but after careful consideration, even though he was not pleased with the way the original legislation had been drafted, he has decided that citizens should weigh in. He stated that he hopes members of the Council will be thoughtful in moving funds, asking that when executing contracts that they keep in mind individuals expect to be paid for services rendered. He continued that, in his opinion, Resolution No. 171 is simple enough for the average citizen to read and understand, and he joined Mr. Bartlett in thanking Mr. Foster for his good intentions in trying to draft a document which included some guarantees.

Mr. Foster – Mr. Foster deferred his comments until after his colleagues' statements.

Mr. Duncan – Mr. Duncan stated that when he had initially introduced the Resolution, he had thought about it long and hard because he does not like to tinker with the Charter in any way, but, in his opinion, we have to do something. He stated that the County's budget of \$72 million which includes a revenue stream of \$65 million, \$7 million came from the Reserve Fund, leaving a little over \$3 million remaining in the Reserve Fund. He continued that, from all indications, after the election, the counties will have to pay more of their share of such items as teachers' pensions, etc. He stated the Council had received information that in FY2009, actual income tax revenues were \$31,000,000; this year, they are projected to be \$19,000,000, a 40% reduction. He stated that income tax revenues are the County's second largest income source. He stated that the question is not the simplicity of the bill as he had requested that Mr. Pullen draft legislation that was simple and understandable; the question is as to whether the individuals sitting on the Council will have the political will to do what, in his opinion, needs to be done – to turn down programs the County cannot afford. He continued that Resolution No. 171 gives the County the latitude to move funds out of the Capital Fund and he thanked the Council for looking favorably upon the legislation and looks forward to moving ahead with what, in his opinion, is best for the County.

Mr. Harrison – Mr. Harrison stated that he found it ironic that Mr. Duncan had requested that County Attorney Mike Pullen draft legislation, as in March he had also asked Mr. Pullen to draft legislation similar to that now before them, but did not pursue it at that time as budget discussions were on-going. He stated that he would be voting for Resolution No. 171 and cited the following reasons: anytime the voters can have an opportunity to decide on a matter, they need the chance to do so, and (2) as in the past, he is against off-the-cuff amendments to the Charter. He continued that he does feel that the Charter does have a flaw in it in that as the Charter now exists, the Council cannot move monies out of the capital fund. He continued that during budget discussions he had been asked by member of the public how the County could lay off people and still fund such huge projects. Therefore, in his opinion, it is necessary to place the item on the ballot and necessary that it pass. He cautioned that the legislation was not a referendum on any particular project in the capital projects. He commended Mr. Foster for his attempt at an amendment and concluded his comments by stating that he would support Resolution No. 171, without the amendment.

Mr. Foster – Mr. Foster stated that the County has \$1.4 million in its Contingency Fund. He then asked Finance Director, Angela Lane to advise the balances remaining in several funds. Ms. Lane stated that \$3.3 million remains in the Reserve Fund and \$10.8 million remains in the Rainy Day Fund; Ms. Lane advised that the Contingency Fund is part of the Operating Budget. Mr. Foster continued that, in his opinion, it is important that the full numbers be disclosed. Mr. Foster then outlined the process by which the Charter could be amended: (1) a public referendum to put an item on the ballot; and (2) through the legislative process. He stated that the County is not a pass-through, but has a responsibility to put an item on the ballot that is better than is already there. He questioned whether the Council did a good job of presenting the issue to the public, or did it, in his opinion, bow to political pressure. He continued that, in his opinion, the proof is that even those who do not like the wording of the bill bowed to pressure, and it seems that what we are designing is destined for failure. He continued that Talbot County has the highest income tax deficit in the state but we are not in the worst shape, continuing that, in his opinion, the Talbot County Community Center and Library projects are

both good projects which improve life in Talbot County and offer alternatives to the problems of high drug and alcohol abuse which exist in the county. Mr. Foster stated that, in his opinion, charters and constitutions exist to provide limits on what government can do, and that, in his opinion, it is very naïve to think that a four-fifths vote cannot be reached.

Resolution No. 171 was then brought to final reader. Upon motion by Mr. Foster, and unanimous consent of the Council, a full reading of the Resolution was waived. Mr. Foster asked for a Point of Order with regard to Mr. Harrison’s statement that an “aye” vote would be to place Resolution No. 171 on the ballot; a “nay” vote would be to not place Resolution on the ballot. Mr. Foster stated that an “aye” vote would be to pass Resolution No. 171. The Council approved Resolution No. 171 by voting 4 – 1 as follows:

Mr. Harrison – Aye

Mr. Pack – Aye

Mr. Duncan – Aye

Mr. Foster – Nay

Mr. Bartlett – Aye

In accordance with Section 805 of the Talbot County Charter, the question to adopt these proposed amendments to the Charter shall be submitted to the voters of the County at the next general election occurring after adoption of this Resolution. If, at the election the majority of votes cast on the question are in favor of the proposed amendments, the amendments stand enacted from and after the thirtieth calendar day following the election.

- X. Discussion of Town of Oxford’s Draft Comprehensive Plan – Sandy Coyman, Planning Officer; Martin Sokolich, Long Range Planner – Mr. Sokolich briefed the Council on the Town of Oxford’s Draft Comprehensive Plan. He stated that the Town of Oxford had submitted the Draft Plan to the County for the 60-day intergovernmental review as required. Mr. Sokolich reported that the Plan projects a conservative course of growth and development, focused on the scale and character of the community, with no trends toward major changes. He stated that the Town faces a challenge to keep its Fire Company open during the day, as many volunteers work at too great a distance away to respond and the Town may have to look toward hiring daytime staff. He stated that the Water Resource Element portion of the Town’s Comprehensive Plan indicates sufficient water for anticipated growth, that their Wastewater Treatment Plant is functioning, although it continues to be challenged by TMDL levels, and that the Plan reviews options for Wastewater Treatment Plant upgrades. Council members commended the Town of Oxford for their Plan. Mr. Coyman stated that the Draft Comprehensive Plan is consistent with the Talbot County Comprehensive Plan and includes the County’s map of their area in the Draft Plan. Council offered the County’s assistance with recruitment of volunteer firemen. The Oxford Planning Commission will hold a public hearing on the Draft Comprehensive Plan on Tuesday, August 3, 2010; the Talbot County Planning Commission is scheduled to review the Draft Plan at its meeting on Wednesday, August 4, 2010.
- XI. Request for Approval to Submit Grant Applications to the Maryland Aviation Administration (MAA) and the United States Department of Agriculture (USDA) for Hangar Site Design and Construction at Easton Airport – Mike Henry, Manager, Easton Airport – Mr. Henry briefed the Council on his request to submit grant applications to MAA and USDA related to design of site preparation and design and construction of hangar sites 42 and 53-55 at Easton Airport in the sum of \$99,783.00; said grant applications are at 50% each to MAA and USDA. Mr. Henry stated that, in his opinion, the Airport, as landlord, has an obligation to make sites available for buildings. Upon motion by Mr. Duncan, seconded by Mr. Foster, the Council approved submission of the grant applications by voting 5 – 0 as follows:

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

- XII. Request for Approval to Amend the Public Works Agreement with Bay Hundred Seafood Processing Facility/Chesapeake Landing Restaurant – Ray Clarke, County Engineer – Mr. Clarke briefed the Council on his request to amend the Public Works Agreement between Talbot County and Bay Hundred Seafood Processing to provide for acceptance of dishwater waste from Chesapeake Landing Restaurant at the Region V Wastewater Treatment Plant in Tilghman, Maryland. Council discussion ensued. Mr. Harrison recused himself from participation on the matter, stating that his restaurant is a competitor of Chesapeake Landing (Bay Hundred Seafood Processing) which is the subject of the request; he handed the gavel to Mr. Foster. Upon motion by Mr. Duncan, seconded by Mr. Pack, the Council approved the request, upon the contingency that the amendment to the Public Works Agreement include the following provisions: (1) that Talbot County may, at any time, and for any reason, terminate the Agreement with reasonable notice; and (2) that the wash down water and dishwater must meet acceptable standards as established by the County, the wash down water and dishwater will include periodic testing by the County, and should same go over the threshold set by the County, the facility will have to pump and haul until such time as they can meet the standards; (3) rates will be increased and the Agreement will reflect an escalator clause. Upon motion by Mr. Duncan, seconded by Mr. Pack, the Council approved amending the Public Works Agreement, contingent upon the provisions cited, by voting 4 – 0 as follows:

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

- XIII. Request for Approval to Submit a Grant Application to the U.S. Army Corps of Engineers for a Tred Avon Oyster Restoration Grant – Ray Clarke, County Engineer; Dr. Gary Smith, Oxford Shellfish Laboratory – Prior to the presentation, Mr. Duncan and Mr. Harrison went on record as disagreeing with the statement in Mr. Clarke’s memo to Council dated May 17, 2010/May 19, 2010 – Revised, which stated as follows: *Dredging of oysters has resulted in nearly complete destruction of the oyster reefs throughout the Chesapeake Bay system.* Mr. Clarke briefed the Council on his request to implement a pilot project to explore the concept for the restoration of oysters in the Tred Avon River through the creation of oyster reefs in several areas of the river. He continued that the project, anticipated to cost \$1.3 million over three years, would be in conducted in conjunction with Environmental Concern of St. Michaels, and would serve as a model for improvement of water quality in tributaries; any match of funding would come from Environmental Concern, no County funding is required. Council members expressed concerns as to the security, size and location of the reefs as a navigational hazard to boats and swimmers, and the County’s liability for damage or injury. Dr. Smith advised that the location of the reefs would be marked by small buoys, would be included on NOAA nautical charts, and the bags would be locked, adding that the entire project is contingent upon the locations of the reefs receiving sanctuary status. Upon motion by Mr. Bartlett, seconded by Mr. Pack, the Council approved submittal of the grant application for a pilot project, subject to Council’s concerns, and that no County funding is required, by voting 5 – 0 as follows:

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



XIV. Council Discussion of Public Safety Employer-Employee Cooperation Act of 2009 – Mr. Bartlett briefed the Council on the provisions of United States Senate Bill 3194 (S.3194), which if enacted, would require collective bargaining agreements between local governments and public safety employees. He emphasized that although he greatly values the work of public safety employees, he wished to go on record as opposing S. 3194 at this time due to substantial additional costs to local governments already under pressure by state governments to assume additional financial burdens. He requested Council support for forwarding letters to Senators Mikulski and Cardin opposing the proposed legislation; Council agreed to forward the letters.

XV. County Manager's Report:

A. Bid No. 04-21, TALBOT COUNTY FREE LIBRARY, EASTON, MARYLAND ARCHITECTURAL DESIGN COMPETITION PACKAGE – Requested Council approval of the County Engineer's recommendation to award a Change Order for Bid No. 04-21 to the contract with WMCRP, Inc. in the sum of \$16,905.00; said Change Order is for additional work related to soil testing following the discovery of underground storage tanks at the site, and a test well for the new geo-thermal heat-pump system. Upon motion by Mr. Foster, second by Mr. Duncan, the Council approved the Change Order by voting 5 – 0 as follows:

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

B. Bid No. 04-21, TALBOT COUNTY FREE LIBRARY, EASTON, MARYLAND ARCHITECTURAL DESIGN COMPETITION PACKAGE – Requested Council approval of the County Engineer's recommendation to award WMCRP, Inc. \$30,000 for material testing for concrete, compaction, and other construction related tests for assurance by both the architect and the County that construction materials provided comply with required specifications. Council discussion ensued. Upon motion by Mr. Bartlett, seconded by Mr. Duncan, the Council approved the request, with the contingency that the County's Department of Public Works contract with a testing company to insure that specifications are met, by voting 5 – 0 as follows:

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

C. Bid No. 10-13, TALBOT COUNTY FREE LIBRARY BUILDING RENOVATION AND EXPANSION EASTON, MARYLAND – Requested Council approval to approve the recommendation of the Talbot County Department of Public Works and the Talbot County Free Library to award Bid No. 10-13 to Scheibel Construction in the sum of \$5,289,000; said sum includes the base bid of \$4,688,000 and add-alternates 1,2,4,5,6,7,and 8 totaling \$601,000. Council requested information as to whether there were any Talbot County bidders, and upon Mr. Clarke's answer in the affirmative, discussion ensued. Mr. Foster inquired as to whether the County's procurement policy provided any flexibility to award a bid to a local contractor. The County Attorney advised that in his opinion, it did not, adding, however, that Council had discretion to determine the lowest responsive bidder and then to choose to whom the contract

was awarded. Mr. Duncan made a motion, seconded by Mr. Foster to award Bid No. 10-13 to Willow Construction Company. Mr. Pullen stated that he wished to offer Council additional legal advice on the matter and requested that they adjourn into Executive Session.

The meeting recessed at 4:52 p.m., Council adjourned into Executive Session, and the meeting reconvened at 5:02 p.m.

Upon reconvening of the meeting, Mr. Duncan withdrew his motion and Mr. Foster withdrew his second of the motion to award Bid No. 10-13 to Willow Construction Company. Upon motion by Mr. Bartlett, seconded by Mr. Pack, the Council approved the recommendation of the Department of Public Works and the Talbot County Free Library to award Bid No. 10-13 to Scheibel Construction in the sum of \$5,289,000, which includes the add alternates 1,2,4,5,6,7, and 8 by voting 5 – 0 as follows:

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

- D. Maryland Department of Housing and Community Development Emergency Shelter Grant - Requested Council approval for the Neighborhood Service Center to apply for an Emergency Shelter Grant from the Maryland Department of Housing and Community Development in the amount of \$50,000; said funding to be used, in large part, to operate the transitional homeless shelter on Aurora Street in Easton and to provide case management services for clients to assist them toward self-sufficiency; no County funding is required. Upon motion by Mr. Pack, seconded by Mr. Bartlett, the Council approved submittal of the application by voting 5 – 0 as follows:

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

- E. Emergency Generator for Easton High School – Requested Council authorization for the use of grant funds for an emergency procurement and installation of an emergency generator at Easton High School; said generator will provide electricity for the high school which serves as the primary emergency shelter for Talbot County; no County funding is required. Upon motion by Mr. Bartlett, seconded by Mr. Foster, the Council approved the emergency procurement by voting 5 – 0 as follows:

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

- F. Bid No. 10-18, POWER PURCHASE OF RENEWABLE ENERGY (PHOTOVOLTAIC) CONTRACT PROJECT - SUNBURST GRANT - Requested Council approval of the recommendation of the Department of Parks & Recreation to award their Maryland Energy Administration Sunburst Solar Power Grant Project to Nautilus Solar; the purpose of the

project is to generate electricity at the Talbot County Community Center in order to reduce the rate per kilowatt hour paid by the Community Center for electricity. Council discussion ensued as to the area to be covered and the location of the solar panels. At Council's request, Nautilus Solar will provide Council with design specifications of the proposal prior to the Council meeting of August 10, 2010. Upon motion by Mr. Pack, seconded by Mr. Bartlett, the Council agreed to award Bid No. 10-18 to Nautilus Solar, upon the contingency that Council is furnished, in advance of the meeting in two weeks, the designs and specifications the solar panels by voting 3 – 2 as follows:

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

The matter was continued to the Council meeting of Tuesday, August 10, 2010.

XVI. Council Comments:

Mr. Foster - Mr. Foster stated that he wished to call Council's attention to a new policy pertaining to student eligibility for participation in athletics and other activities in the school system. He stated that toward the end of the last school year, the school system considered implementation of a policy to raise the standards for participation in athletics and other activities, and to his understanding, the proposed policy revision had been presented before the Athletic Committee and/or Extracurricular Activities Committee but the school year concluded under the existing rules. Mr. Foster advised that the school system has now adopted a more stringent policy over the summer, and has made the policy retroactive; therefore, some students who could participate at the end of the year now cannot. He stated that it is not the Council's job as to what the school system's standards should be, but, as in law enforcement, the penalty for a crime cannot be increased after the crime has been committed. He continued that he was not quarreling with the policy itself, but, in his opinion, the time to make the policy clear is at the beginning of the school year. Mr. Foster then read a letter to the Board of Education into the record and requested Council approval to forward the letter to the Board of Education. Council discussion ensued. Upon motion by Mr. Foster, seconded by Mr. Duncan, the Council approved forwarding the letter to the Board of Education by voting 4 – 1 as follows:

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

Mr. Duncan- No comments.

Mr. Pack – No comments.

Mr. Duncan- Mr. Duncan requested that staff contact Joe Ross, President & CEO of Memorial Hospital at Easton, to schedule a public informational meeting on the status of the relocation of the Hospital. He stated that he had received questions from the public regarding same and, in his opinion, it would be helpful to both the general public and the Council to have Hospital officials make a presentation as to the status.

Mr. Harrison - Mr. Harrison stated that, just like the discussion on the policy of the Board of Education matter just concluded, with help from both the Council and the public, the Board of Education's policy on use of the St. Michaels High School grounds by the St. Michaels Firemen's Carnival was changed and the carnival will again be held on the school grounds from Monday, August 2<sup>nd</sup> through Saturday, August 7<sup>th</sup>. Mr. Harrison advised that the Cordova and Queen Anne/Hillsboro carnivals would be held this week and next.

XVII. Upon motion by Mr. Pack, seconded by Mr. Duncan, the Council voted to adjourn into Executive Session for discussion of legal and personnel matters, and to reconvene into Executive Session on Tuesday, August 10, 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 6:08 p.m.

XVIII. On Tuesday, July 27, 2010 an Executive Session of the Talbot County Council convened at 1:00 p.m. in the County Council Conference Room and Bradley Meeting Room. Upon motion by Mr. Duncan, seconded by Mr. Foster, the Council met in Executive Session by voting 4 – 0 as follows:

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

Mr. Harrison arrived at 1:28 p.m.

In accordance with State Article §10-508(a)(1)(i)(7)(8)(14) the purpose of the Executive Session was for discussion of personnel matters to discuss the hiring of a County Manager; to discuss résumés for the Director of Administrative Services; to discuss appointments to various County boards and committees; to discuss filling a vacancy in the Department of Public Works; and for legal matters for legal advice to discuss negotiating strategy for a procurement matter; for legal advice regarding a potential lawsuit involving the County, and for legal advice concerning specific appointees for a County Commission. The meeting recessed at 1:30 p.m. and reconvened at 4:50 p.m., recessed at 5:00 p.m., and reconvened at 6:15 p.m. The Executive Session ended at 7:30 p.m.

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

**CASH STATEMENT 7/20/2010**

<b>BALANCE 7/13/2010</b>	\$13,554,104.14
SALE&INTEREST ON CD@TALBOT BANK	3,002,244.64
PURCHASE CD@TALBOT BANK	(3,000,000.00)
189 <a href="#">DAYS@0.47%</a> , 1/18/2011	
PURCHASE CD@TALBOT BANK	(5,000,000.00)

287 <a href="#">DAYS@0.61%</a> , 4/26/2011	
INTEREST ON ACCT 6/2010	2,676.57
BANK CHARGES 6/2010	(2,191.53)
MLGIP INTERST ON ACCT 6/2010	512.34
UHC CLAIMS THRU 7/13/2010	(83,618.47)

DEPOSITS	5,346,930.52
CHECKS	(377,068.72)

**BALANCE 7/20/2010** **13,443,589.52**

**AIRPORT ACCOUNTS**

AIP29	31,869.15
AIP30	9,692.89
AIP33-DSA	2,505.00
NEW AIP-RUNWAY 4-22 EXTENSION ANALYSIS	0.00
AIP34	9,246.37
AIP-35	65,785.91
AIP36	0.00
AIP37	0.00

**AIRPORT ACCOUNTS TOTAL BALANCE** **\$119,099.32**

**INVESTMENTS – CERTIFICATES OF DEPOSIT**

<u>CERTIFICATE DATE</u>	<u>MATURITY DATE</u>	<u>RATE</u>	<u>AMOUNT</u>
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
06/29/2010	12/28/10	0.47%	3,000,000.00
05/11/2010	02/15/11	0.50%	3,000,000.00
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

PNC-MLGIP INVESTMENTS TOTAL 0.22% 3,000,000.00

**TOTAL INVESTED** **\$47,000,000.00**

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

**GRAND TOTAL ALL FUNDS** **\$60,569,488.84**

**CASH STATEMENT 7/27/2010**

<b>BALANCE 7/20/2010</b>	\$13,443,589.52
UHC CLAIMS THRU 7/20/2010	(42,073.67)
AIP29 LOCAL SHARE	(7,377.00)
AIP35 LOCAL SHARE	(12,021.20)
PAYROLL-FD/SS/MS WH 7/23/2010	(119,119.79)
SECU DED	(10,024.73)
DEFERRED COMP DED	(9,568.45)
MD WH	(29,613.65)
PENSION DED	(21,392.50)
ACH TRANSFER	(10,180.00)
FLEX SPENDING ACCT	(2,444.83)
DEPOSITS	5,399,884.36
CHECKS	(940,147.89)
VOID CHECK NO.S 262393,13113	1,588.94
<b>BALANCE 7/27/2010</b>	<b><u>17,641,099.11</u></b>

**AIRPORT ACCOUNTS**

AIP29	BALANCE 7/20/2010	\$ 31,869.15	
	LOCAL SHARE	7,377.00	
	CHECKS	(40,596.80)	(1,350.65)
			31,869.15
AIP30	BALANCE 7/20/2010	\$ 9,692.89	
	DEPOSITS	7,499.00	
	CHECKS	(16,200.50)	991.39
AIP33-DSA			2,505.00
NEW AIP-RUNWAY 4-22 EXTENSION ANALYSIS			0.00
AIP34			9,246.37
AIP-35	BALANCE 7/20/2010	\$ 65,785.91	
	DEPOSITS	202,412.00	
	LOCAL SHARE	12,021.20	
	CHECKS	(213,065.49)	67,153.62
AIP36			0.00
AIP37			0.00
<b>AIRPORT ACCOUNTS TOTAL BALANCE</b>			<b><u>\$81,247.03</u></b>

**INVESTMENTS – CERTIFICATES OF DEPOSIT**

<u>CERTIFICATE DATE</u>	<u>MATURITY DATE</u>	<u>RATE</u>	<u>AMOUNT</u>
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
06/29/2010	12/28/10	0.47%	3,000,000.00
05/11/2010	02/15/11	0.50%	3,000,000.00
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
PNC-MLGIP INVESTMENTS TOTAL		0.21%	3,000,000.00
<b>TOTAL INVESTED</b>			<b><u>\$47,000,000.00</u></b>
<b>PETTY CASH BALANCE</b>			<b><u>\$6,800.00</u></b>
<b>GRAND TOTAL ALL FUNDS</b>			<b><u>\$64,729,146.14</u></b>