



Talbot County, Maryland



Easton, Maryland

MINUTES

March 13, 2012

Present – President Corey W. Pack, Vice President R. Andrew Hollis, Dirck K. Bartlett, Thomas G. Duncan, Laura E. Price, and County Manager John C. Craig. County Attorney Michael Pullen was absent.

- I. Agenda – Mr. Pack requested and received Council’s unanimous consent for approval of the Agenda of Tuesday, March 13, 2012.
- II. Minutes – Mr. Pack requested and received Council’s unanimous consent for approval of the Minutes of Tuesday, February 28, 2012.
- III. Disbursements – Mr. Pack requested and received Council’s unanimous consent for approval of the disbursements of March 6, 2012 and March 13, 2012.
- IV. Presentation by Office of the Comptroller – David Wooten, Administrative Officer, Office of the Comptroller – Salisbury Office – Mr. Wooten introduced himself as a representative of the Salisbury office of the Maryland State Comptroller’s Office; the Salisbury office is one of the twelve regional offices in the state. Mr. Wooten offered the assistance of the Comptroller’s Office and distributed various brochures which outlined the diverse functions of the Comptroller’s Office whose primary responsibility is collection of any taxes owed the State and payment of the State’s bills. The Comptroller’s Office may be contacted by phone at 1-800-MD-TAXES, at www.marylandtaxes.com, or by visiting one of the regional offices listed on the website.
- V. Quarterly Update by Talbot Humane – Patty Crankshaw-Quimby, Executive Director, Talbot Humane – Ms. Crankshaw-Quimby provided the following information for the first 8 ½ months of Fiscal Year 2011-2012: 916 animals have been accepted at Talbot Humane, of which 303 were dogs, 513 were cats, and 100 were small mammals. She stated that the numbers represent a 19% increase over the same time period last year, primarily due to the slow economy; of the 916 animals taken in, 670 have been adopted or sent to other 501(c) 3 groups; there has been a 14% increase in adoptions and the euthanasia rate has remained the same. Ms. Crankshaw-Quimby stated that Talbot Humane continues to receive community support from various businesses and organizations, including the recent Dancing With the Dogs event which raised more than \$70,000; upcoming events include the Dog Walk/Dog Show at Oxford Day on April 28, 2012 and the 3rd Annual Bark in the Park on October 20, 2012. Talbot Humane will continue to update the Council on a regular or as-needed basis.

VI. Introduction of Administrative Resolution:

An ADMINISTRATIVE RESOLUTION ADOPTING NEW MEDICARE REIMBURSEMENT RATES was read into the record by the Clerk. Clay Stamp, Director of Emergency Services, and Brian LeCates, Division Chief, Emergency Medical Services, stated that the purpose of the Administrative Resolution is to formally adopt new maximum emergency medical service billing reimbursement rates (ambulance transport) as established by Medicare guidelines. Council discussion ensued. Upon motion by Mr. Hollis, seconded by Ms. Price, the Council approved the Administrative Resolution by voting 5 – 0 as follows:

Mr. Pack – Aye
Mr. Hollis – Aye
Mr. Bartlett – Aye
Ms. Price – Aye
Mr. Duncan – Aye

- VII. The Motion for Reconsideration of Bill No. 1214, A BILL TO ENACT DENSITY PROVISIONS OF ONE (1) DWELLING UNIT PER TWO (2) ACRES FOR THE VILLAGE CENTER, VC-1, AND VC-2 ZONING DISTRICTS; TO PROVIDE THAT THE MINIMUM LOT SIZE SHALL BE ONE (1) ACRE; TO PROVIDE THAT NO MORE THAN ONE (1) LOT SHALL BE SUBDIVIDED FROM AN ORIGINAL PARCEL, DEFINED AS A PARCEL, LOT, OR TRACT RECORDED AMONG THE COUNTY LAND RECORDS AS OF MARCH 22, 2011; TO MAKE THESE PROVISIONS APPLICABLE TO SUBDIVISIONS THAT HAVE NOT RECEIVED ~~PRELIMINARY PLAT SKETCH PLAN~~ APPROVAL PRIOR TO MARCH 22, 2011; AND TO PROVIDE THAT THESE PROVISIONS ARE TO REMAIN IN EFFECT FOR TWO (2) YEARS AND THEREAFTER SHALL BE ABROGATED AND OF NO FURTHER FORCE AND EFFECT, as amended, was brought forward. At the Tuesday, March 6, 2012 Council meeting, Mr. Hollis had made a motion for reconsideration of Bill No. 1214; Mr. Duncan had seconded the motion; no vote on the motion for consideration was taken on March 6, 2012 and by unanimous consent of the Council, the Motion for Reconsideration was tabled until the Tuesday, March 13, 2012 Council meeting. Mr. Hollis stated that he had just received some new information for an argument against reconsideration, and, as the County Attorney was out of town, he would like legal counsel to have an opportunity to provide comment on the merits of the argument. Mr. Hollis then made a motion to table the discussion on the motion to reconsider and to delay the matter until the Council had had an opportunity to receive legal advice from the County Attorney; Mr. Bartlett seconded the motion. The discussion on the Motion for Reconsideration of Bill No. 1214, as amended, was tabled until the Council meeting of Tuesday, March 27, 2012.
- VIII. Request for Council approval to Award Klondike Road Bio-Solids Facility Excess Energy Contract to Old Dominion Electric Cooperative – Ray Clarke, County Engineer – Mr. Clarke requested Council's consideration to award that portion of the contract for the purchase of excess electricity for Bid No. 11-01, REQUEST FOR PROPOSALS – PURCHASING OF ELECTRICITY, SOLAR-RENEWABLE ENERGY CREDITS (RECs) AND WIND RECs – TALBOT COUNTY BIO-SOLIDS FACILITY-RENEWABLE ENERGY DEMONSTRATION PROJECT, to Old Dominion Electric Cooperative. Easton Utilities, the high bidder for Bid No. 11-01, had previously been awarded the contract. Mr. Clarke stated that Talbot County could not sell the surplus electricity produced at the County's Klondike Road Bio-Solids Facility to Easton Utilities due to an over-transmission charge by Choptank Electric Cooperative, a member-owner of Old Dominion Electric Cooperative, and the wholesale provider of electricity to Choptank Electric Cooperative. He stated that the over-transmission charge would need to be subtracted from earnings from Easton Utilities for the excess electricity sold to them and provided Council with detailed information regarding kilowatts of electricity produced at the Klondike Road Bio-Solids Facility, revenues generated produced at the facility and price per kilowatt hour received. Council discussion ensued. Mr. Craig advised that Easton Utilities has no objection to the request. Mr. Bartlett made a motion to rescind the previous contract to Easton Utilities for the surplus electricity component of Bid No. 11-01 and to award the contract to Old Dominion Electric Cooperative at the rates as outlined in Mr. Clarke's memo to Council; Ms. Price seconded the motion and the Council approved the request by voting 5 – 0 as follows:

Mr. Pack – Aye
Mr. Hollis – Aye
Mr. Bartlett – Aye
Ms. Price – Aye
Mr. Duncan – Aye

IX. Presentation of Priority Listing for Maryland Consolidated Transportation Program – Ray Clarke, County Engineer – Mr. Clarke presented Talbot County’s Proposed Priority Project Listing for the State’s Consolidated Transportation Program as follows: (1) U.S. Route 50/MD Route 309/MD Route 662 Intersection Capacity Improvements (overpass and additional left turn lanes); (2) MD Route 33 Capacity and Evacuation Improvements (elevation modification) to minimize storm surge road flooding and additional capacity improvements – the MD Route 33 corridor is the only evacuation route for the Bay 100 necks and peninsulas along the corridor; (3a) U.S. Route 50/MD Route 328 – Goldsborough Street Intersection Improvements – requesting that the State should work with the Town of Easton to improve the configuration of the intersection in order to improve capacity and to provide technical assistance to the Town with regard to east/west traffic at the intersection; (3b) MD Route 50/MD Route 331 – Dover Street Intersection Improvements – requesting that the State should work with the Town of Easton to improve the configuration of the intersection and to provide technical assistance to the Town for diversion of east/west traffic from the intersection. Council discussed each item as it was brought forward. Mr. Duncan requested that Item 2 also include additional capacity improvements for possible commercial growth near the MD Route 33/322 intersection; Mr. Clarke suggested that a notation on the specific location of Easton Village and the nearby shopping center also be included. Mr. Hollis and Mr. Bartlett requested that the Priority Listing be expanded to include the replacement of the Dover Bridge and the continued improvements of MD Route 404; Mr. Clarke stated that the State Highway Administration has requested that the list be kept to three items. Upon consensus of the Council, the Priority Listing submitted to the State will include the priorities as presented by Mr. Clarke as specific to Talbot County, as well as support for the regional projects of replacement of the Dover Bridge and continued improvements on MD Route 404.

X. County Manager’s Report:

A. Talbot County Agricultural Land Preservation Advisory Board – Requested Council approval for the reappointment of Greg Gannon to a five-year term on the Talbot County Agricultural Land Preservation Advisory Board; said term will expire March 13, 2017. Upon motion by Ms. Price, seconded by Mr. Hollis, the Council approved the reappointment by voting 5 – 0 as follows:

Mr. Pack – Aye
Mr. Hollis – Aye
Mr. Bartlett – Aye
Ms. Price – Aye
Mr. Duncan – Aye

B. Talbot County Commission on the Aging – Requested Council approval for the reappointment of Julie Crocker and Jennifer Lister to three-year terms on the Talbot County Commission on the Aging; said terms will expire April 1, 2015. Upon motion by Mr. Hollis, seconded by Mr. Bartlett, the Council approved the reappointments by voting 5 – 0 as follows:

Mr. Pack – Aye
Mr. Hollis – Aye
Mr. Bartlett – Aye
Ms. Price – Aye
Mr. Duncan – Aye

- C. Talbot County Public Works Advisory Board – Requested Council approval for the reappointment of Edward Schlichter to a four-year term on the Talbot County Public Works Advisory Board as a representative of the Trappe District; said term will expire May 1, 2016. Upon motion by Mr. Bartlett, seconded by Ms. Price, the Council approved the reappointment by voting 5 – 0 as follows:

Mr. Pack – Aye
Mr. Hollis – Aye
Mr. Bartlett – Aye
Ms. Price – Aye
Mr. Duncan – Aye

- D. Talbot County Village Center Board – Requested Council approval for the appointment of Gary Crawford to the Talbot County Village Center Board as a representative of the Village of Fairbank; said term will complete the unexpired term of Janice Pifer and will expire June 30, 2013. Upon motion by Mr. Bartlett, seconded by Mr. Hollis, the Council approved the appointment by voting 5 – 0 as follows:

Mr. Pack – Aye
Mr. Hollis – Aye
Mr. Bartlett – Aye
Ms. Price – Aye
Mr. Duncan – Aye

- E. County Telephone System Maintenance Contract – Requested Council approval to enter into a contract with NEC Corporation America (NECAM) for maintenance of the County’s telephone system in the sum of \$12,448.30; said contract will piggyback off the State’s contract for maintenance of the telephones which as of June 30, 2012 will no longer be serviced by current provider Verizon. Upon motion by Mr. Hollis, seconded by Mr. Bartlett, the Council approved entering into the contract by voting 5 – 0 as follows:

Mr. Pack – Aye
Mr. Hollis – Aye
Mr. Bartlett – Aye
Ms. Price – Aye
Mr. Duncan – Aye

- F. Grant Conflict Resolution Grant Program – Requested Council approval to submit a grant application in the sum of \$123,625 on behalf of the Circuit Court for Talbot County; said funding will be used for the establishment of a comprehensive civil mediation program managed by an ADR Coordinator and implemented by certified mediators; no County funding is required and it is the understanding of the Circuit Court that should future funding for the program not be available, the program will discontinue. Upon motion by Ms. Price, seconded by Mr. Hollis, the Council approved submittal of the grant application by voting 5 – 0 as follows:

Mr. Pack – Aye
Mr. Hollis – Aye
Mr. Bartlett – Aye
Ms. Price – Aye
Mr. Duncan – Aye

- G. Maryland CoastSmart Communities Initiative Grant – Requested Council approval to forward a grant application to the Maryland Department of Natural Resources CoastSmart Communities Initiative in the sum of \$50,000; said funding will be used to hire a technical consultant to assist County staff in updating Talbot County’s flood plan management ordinance in order to comply with the 2011 Hazard Mitigation Plan. Upon motion by Mr. Hollis, seconded by Mr. Bartlett, the Council approved submittal of the grant application by voting 5 – 0 as follows:

Mr. Pack – Aye
Mr. Hollis – Aye
Mr. Bartlett – Aye
Ms. Price – Aye
Mr. Duncan – Aye

- H. Free CPR/AED Training – Mr. Craig stated that 244 individuals had participated in free CPR/AED training sponsored by the Talbot County Department of Emergency Services, Shore Health System, Inc, WCEI, and the Talbot County Paramedic Foundation at the Talbot County Community Center on February 29, 2012. Council expressed appreciation to the staff of the Department of Emergency Services for their initiative for the event.

XI. Council Comments:

Ms. Price - Ms. Price stated that she had traveled to Annapolis several times in the past couple of weeks and that there was a lot going on that is directly affecting everything we do in Talbot County. She stated that, in her opinion, what is really happening is the taking away of local authority, whether it involves the shift in teachers’ pension, Maintenance of Effort, or the WIP’s and TMDL’s. She stated that she had testified on a couple of matters and had also written to the newspaper. She encouraged citizens to pay attention to what’s going on with the interaction between the State and local governments, to become involved, and to speak up to have your voice heard before legislation gets out of committee. Following Mr. Duncan’s comments, Ms. Price stated that there is a provision in a pending amendment to the Maintenance of Effort legislation in the Senate which would permit three of the seven counties which did not meet Maintenance of Effort last year, in exchange for their votes, to not have to pay back the money.

Mr. Bartlett - Mr. Bartlett thanked Ms. Price for her time and effort on such important issues. He stated that he concurred with Ms. Price’s sentiments that Talbot County is possibly facing loss of its sovereignty with regard to its taxing authority; stating that, in his opinion, it was the most serious matter coming out of Annapolis. He stated that for years Talbot County has been disciplined by the voters with the tax cap but now the Maryland State Education Association is, in his opinion, essentially overriding local control of taxes for their own benefit. He stated that if House Bill 1412 passes, even in an amended format, it could, in his opinion,

cripple the County's ability to restrain taxes in the County. He encouraged citizens to become involved.

Mr. Hollis - Mr. Hollis thanked Ms. Price and Mr. Duncan for spending time in Annapolis, stating that Mr. Duncan serves on the Maryland Association of Counties Board of Directors. He stated that the Council had focused a lot of attention on the potential shift in teachers' pensions to the counties, when, in his opinion, the Maintenance of Effort legislation is an even greater threat. He concurred with Mr. Bartlett's and Ms. Price's statements regarding same that the legislation would permit the State to have a substantial role in the County's taxing authority and also how those monies are spent. He stated that Talbot County is a tax cap county, a restriction which was legally imposed by its voters, and, in his opinion, should the State assume a role in the County's taxing authority it would be a serious threat to the ability of the County to control itself financially. Mr. Hollis concluded his comments by encouraging citizens to pay attention to what is going on and to follow up with the appropriate elected officials to have their voices heard.

Mr. Duncan - Prior to his comments, Mr. Duncan inquired as to the expiration date of Bill No. 1214, previously brought forward for reconsideration but tabled until the March 27, 2012 meeting. Mr. Craig stated that he would try to contact Mr. Pullen for legal advice on the matter. Mr. Duncan commented on what was going on in Annapolis, stating that the Maryland Association of Counties has expressed strong opposition to tax increases, including the passing down of the cost of teachers' pensions to the counties. He stated that, in his opinion, an even bigger issue is the State's structural deficit of approximately \$1 billion. He stated that no one wants to see increased bridge tolls, etc., but, citing the Dover Bridge as an example, stated that citizens cannot have it both ways; if we want things, we have to pay for them. He stated that even though the small counties have more representatives on the MACo Board, the larger counties swing the votes; their counties' delegations are larger and essentially control the legislature, with most of the money going to the counties with the political power. He continued that, in his opinion, the influence of the larger counties in the State Legislature will be given great consideration and that there will probably be some deals made, but that no one really knows at this point what the results of the various pieces of legislation will be. He stated that, in his opinion, there will be tough times for the State, counties and towns and concurred with Mr. Bartlett's statement regarding the State's possible overriding the will of Talbot County citizens with regard to taxes. He concluded his comments by wishing everyone a Happy St. Patrick's Day. Mr. Duncan later provided additional information on the "seven counties" referenced in Ms. Price's comments, stating that the seven largest counties in Maryland are referred to as the "big seven" and that they have separate meetings, and control approximately two thirds of the State Legislature, and in his opinion, are looking to improve their position in the State budget cycle by agreeing to vote for certain legislation.

Council recessed the meeting at 3:00 p.m. The meeting reconvened at 3:05 p.m.

Mr. Pack - Mr. Pack stated that the Council had recessed in order to consider Mr. Duncan's comments on March 15th as the expiration date for Bill No. 1214, to research Robert's Rules of Order on the matter, and to try to contact the County Attorney for his opinion on same. Mr. Pack congratulated Nicholas Price, Ms. Price's son,

on having achieved the rank of Eagle Scout. He stated that he had recently attended an Eagle Scout ceremony and was happy to be there to celebrate with the young men and their families the team effort involved in getting the Eagle Scout badge. Mr. Pack stated that there had been a lot of conversation regarding the shift in teachers' pensions and the Maintenance of Effort, and that, in his opinion, the State is passing on the dirty work of the counties to raise taxes so they can pass money on to another entity. He stated that, in his opinion, the impact on local jurisdictions will be devastating. He encouraged citizens to contact their representatives to let their voices be heard, as, in his opinion, it is not the way government should work to have another governmental body step in and take away the taxing authority of local government to say that you must pay for certain things, or if you don't, income tax monies will be withheld to pay for them anyway.

- XII. Upon motion by Mr. Hollis, seconded by Mr. Bartlett, the Council voted to adjourn to Executive Session for discussion of legal, personnel, and real estate matters; and to reconvene on Tuesday, March 27, 2012, at 5:00 p.m. in Executive Session for discussion of legal, personnel, and real estate matters, and for the legislative session at 6:00 p.m. by voting 5 – 0 as follows:

Mr. Pack – Aye
Mr. Hollis - Aye
Mr. Bartlett – Aye
Ms. Price – Aye
Mr. Duncan - Aye

The meeting adjourned at 3:10 p.m.

- XIII. On Tuesday, March 13, 2012, an Executive Session of the Talbot County Council convened at 12:40 p.m. in the County Council Conference Room and the Bradley Meeting Room. Upon motion by Ms. Price, seconded by Mr. Bartlett, the Council met in Executive Session by voting 5 – 0 as follows:

Mr. Bartlett – Aye
Mr. Duncan – Aye
Mr. Hollis – Aye
Mr. Pack – Aye
Ms. Price – Aye

In accordance with State Article § 10-508 (a)(1)(i)(7) the purpose of the Executive Session was for discussion of a personnel matter to discuss appointments to various County boards and committees; and for a legal matter for legal advice regarding a legal matter pending before the Council. The Executive Session recessed at 1:30 p.m., reconvened at 3:00 p.m., recessed at 3:05 p.m. and reconvened at 3:15 p.m. The Executive Session ended at 6:10 p.m.

The transcript of the March 13, 2012 County Council meeting is available for review in the Office of the County Manager during regular office hours.

CASH STATEMENT 3/06/2012

BALANCE 2/28/2012		\$6,386,886.08
SHERIFF SUMMONS REFUNDS		(620.00)
UHC CLAIMS THRU 2/28/2012		(91,602.84)
TRANS LOCAL SHARE TO AIP36		(15.87)
STATE BOARD OF ELECTIONS PPE 2/7/2012		(4,726.58)
INTEGRA 3/2012		(14,458.24)
BOARD OF EDUCATION 2/2012		(2,700,250.00)
POSTAGE METER WIRE		(3,000.00)
PAYROLL-FD/SS/MS WH 3/2/2012		(104,473.16)
SECUR DED		(9,031.79)
DEFERRED COMP DED		(10,227.72)
MD WH		(27,587.74)
PENSION DED		(28,235.48)
ACH TRANSFER		(10,756.75)
FLEX SPENDING ACCT		(2,482.51)
DEPOSITS		5,702,419.31
CHECKS		(611,529.97)
BALANCE 3/06/2012		<u>\$8,470,306.74</u>

AIRPORT ACCOUNTS

NEW AIP-RUNWAY 4-22 EXTENSION ANALYSIS			--
AIP-34			6,346.21
AIP-35			35,387.09
AIP36	BALANCE 2/21/2012	9,061.87	
	TRANS FR GEN FUND	15.87	
	CHECKS	(557.87)	8,519.87
AIP37			728.93
AIP38			--
AIRPORT ACCOUNTS TOTAL BALANCE			<u>\$50,982.10</u>

INVESTMENTS – CERTIFICATES OF DEPOSIT

<u>CERTIFICATE DATE</u>	<u>MATURITY DATE</u>	<u>RATE</u>	<u>AMOUNT</u>
07/19/2011	04/17/12	0.41%	4,000,000.00
07/19/2011	07/17/12	0.61%	4,000,000.00
10/18/2011	07/18/12	0.26%	3,000,000.00
10/18/2011	07/18/12	0.26%	5,000,000.00
10/18/2011	10/18/12	0.41%	4,000,000.00
12/20/2011	12/20/12	0.37%	3,000,000.00
PNC-MLGIP INVESTMENTS TOTAL		0.09%	13,000,000.00

TOTAL INVESTED	<u>\$36,000,000.00</u>
PETTY CASH BALANCE	<u>\$6,800.00</u>
GRAND TOTAL ALL FUNDS	<u>\$44,528,088.84</u>

CASH STATEMENT 3/13/2012

BALANCE 3/06/2012	\$8,470,306.74
UHC CLAIMS THRU 3/06/2012	(33,362.09)
RETURNED CHECK	(150.00)
BANK CHGS 2/2012	(1,890.98)
INTEREST ON ACCT 2/2012	1,509.02
STATE BOARD OF ELECTIONS PPE 2/21/2012	(4,726.00)
STATE REPORT 2/2012	(127,683.91)
2002 PUBLIC FACILITY BOND PAYMENT	(615,000.00)
2002 AIRPORT FACILITY BOND PAYMENT	(35,493.75)
DEPOSITS	385,809.21
CHECKS	(477,513.15)
VOID CHECK NO. 273531	1,484.32

BALANCE 3/13/2012 **\$7,563,289.31**

AIRPORT ACCOUNTS

NEW AIP-RUNWAY 4-22 EXTENSION ANALYSIS	--
AIP-34	6,346.21
AIP-35	\$35,387.09
BALANCE 3/06/2012	1,965.00
DEPOSITS	37,352.09
AIP36	8,519.87
AIP37	728.93
AIP38	--

AIRPORT ACCOUNTS TOTAL BALANCE **\$52,947.10**

INVESTMENTS – CERTIFICATES OF DEPOSIT

<u>CERTIFICATE DATE</u>	<u>MATURITY DATE</u>	<u>RATE</u>	<u>AMOUNT</u>
07/19/2011	04/17/12	0.41%	4,000,000.00
07/19/2011	07/17/12	0.61%	4,000,000.00
10/18/2011	07/18/12	0.26%	3,000,000.00
10/18/2011	07/18/12	0.26%	5,000,000.00
10/18/2011	10/18/12	0.41%	4,000,000.00
12/20/2011	12/20/12	0.37%	3,000,000.00
PNC-MLGIP INVESTMENTS TOTAL		0.11%	13,000,000.00

TOTAL INVESTED	<u>\$36,000,000.00</u>
PETTY CASH BALANCE	<u>\$6,800.00</u>
GRAND TOTAL ALL FUNDS	<u>\$43,623,036.41</u>