



Talbot County, Maryland



Easton, Maryland

MINUTES

May 10, 2011

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

- I. Agenda – The Agenda of May 10, 2011 was brought forward for approval. Mr. Pack advised the Council that the Minutes of May 3, 2011 were not available for approval. The Council approved the May 10, 2011 Agenda, with the understanding that the Minutes of May 3, 2011 would be deferred for approval until the meeting of Tuesday, May 24, 2011 by voting 5 – 0 as follows:

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

- II. Minutes – Upon unanimous consent of the Council, the Minutes of May 3, 2011 were deferred until the Council meeting of Tuesday, May 24, 2011.

- III. Disbursements – Disbursements of May 10, 2011 were approved upon motion by Mr. Pack, seconded by Mr. Duncan, with the Council voting 5 – 0 as follows:

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

- IV. Presentation of Proclamation: 30th Anniversary of Talbot Hospice Foundation - The Clerk read a proclamation into the record in recognition of the 30th anniversary of Talbot Hospice Foundation. Talbot Hospice Foundation was founded in 1981 and is one of 5,000 hospice programs nationwide which provides professional, team-oriented care to individuals facing end-of-life issues. Upon motion by Mr. Pack, seconded by Mr. Duncan, the Council approved the proclamation by voting 5 – 0 as follows:

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

Ms. Price presented the Proclamation to Julie Crocker, Executive Director, Talbot Hospice Foundation, who accepted on behalf of the employees and volunteers of the organization.

- V. Presentation of Proclamation: May Older Americans Month - The Clerk read a proclamation into the record in recognition of May 2011 as Older Americans Month. The Proclamation spoke of the contributions of older Americans to their communities and of the importance of support systems and

resources necessary to meet the needs of a growing elderly population. Upon motion by Mr. Pack, seconded by Mr. Hollis, the Council approved the Proclamation by voting 5- 0 as follows:

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

Mr. Duncan presented the Proclamation to Gary Gunther, Executive Director, Upper Shore Aging, Inc., who accepted of behalf of those organizations which serve older citizens.

VI. Presentation of Delmarva Community Transit’s FY 2012 Annual Transportation Plan – Santo Grande, Executive Director, Delmarva Community Services, Inc. – Prior to presentation of the Transportation Plan, Mr. Hollis left the dais and recused himself from discussion on the matter as he is an employee of Delmarva Community Services, Inc. Mr. Grande requested Council approval of the FY2012 Delmarva Community Transit’s Annual Transportation Grant application in the sum of approximately \$985,000. He stated that a portion of the grant would pay for transportation of senior citizens from Talbot, Caroline, and Kent Counties to the Talbot County Senior Center; the grant does not include capital funding or matching funding. County Attorney Michael Pullen advised that references within the grant to federal requirements are standard language. Mr. Pack requested that Mr. Grande forward Talbot County a copy of Title 6 quarterly compliance updates from the Maryland Transit Administration.

VII. Introduction of Administrative Resolution:

AN ADMINISTRATIVE RESOLUTION AUTHORIZING CAROLINE COUNTY, ON BEHALF OF TALBOT COUNTY, TO FILE AN APPLICATION WITH THE MARYLAND TRANSIT ADMINISTRATION OF THE MARYLAND DEPARTMENT OF TRANSPORTATION FOR A SECTION 5307, 5311 AND/OR 5307 GRANT UNDER THE FEDERAL TRANSIT ACT was introduced by Mr. Bartlett, Mr. Duncan, Mr. Hollis, Mr. Pack, and Ms. Price. The Federal Government requires that approval must be submitted in resolution format and the administrative resolution read into the record outlines that provision. Upon motion by Mr. Pack, seconded by Mr. Duncan, the Council approved the Proclamation by voting 4 – 0 – 1 as follows:

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

Mr. Hollis returned to the dais.

VIII. County Manager’s Report:

A. Bid No. 11-08, INDEPENDENT AUDIT FOR TALBOT COUNTY, MARYLAND – Requested Council approval to award Bid No. 11-08 to the low bidder, TGM Group, LLC, to provide County auditing services for the next five (5) years; said auditing proposal is in the sum of \$45,000 for FY 2011 and will increase \$1,000 per year through 2015. Upon motion by Mr. Pack, seconded by Mr. Duncan, the Council approved the award by voting 5 – 0 as follows:

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

- B. Annual Airport Insurance – Requested Council approval of the Airport Manager’s recommendation to award the contract for airport liability insurance to the low bidder, Aviation Insurance Resources, LLC (Chartis Aerospace Insurance), in sum of \$4,648.00; cost of said insurance will be borne by the Airport Enterprise Fund; no County funds are required. Upon motion by Mr. Pack, seconded by Mr. Duncan, the Council approved the award by voting 5 – 0 as follows:

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

The Council briefly recessed the meeting at 1:58 p.m. The meeting reconvened at 2:00 p.m.

IX. Public Hearings:

CONSTANT YIELD – The Adoption of the Real Property Tax Rate for Unincorporated Portions of Talbot County, Maryland - Prior to the public hearing on the Constant Yield, Finance Director Angela Lane read a statement into the record advising that the County is proposing to adopt a real property tax rate of 44.8 cents per \$100 of assessed valuation for all properties located outside the incorporated towns. She stated that the rate is 1.6 cents higher than the current rate, but is .14 cents lower than the Constant Yield rate of 44.94 cents; the County will generate \$66,145 less in property tax revenues in FY 2012 from the unincorporated areas of the County. Ms. Lane stated that properties within the Towns will be granted a tax rate differential; their rates will be between 5.7 cents and 12.9 cents lower than the County rate; County rates within the Towns, except for the Town of St. Michaels, are all above the Constant Yield rate. Real Property tax rates for FY 2012 will be adopted as part of the Budget Ordinance, scheduled for approval on Tuesday, May 24, 2011.

Prior to the public hearing on Resolution No. 180, Mr. Duncan introduced an amendment to the resolution which reads as follows:

A RESOLUTION TO ENACT A TEMPORARY MORATORIUM IN THE VILLAGES OF ROYAL OAK, NEWCOMB, BELLEVUE, UNIONVILLE, TUNIS MILLS, AND COPPERVILLE UPON PROCESSING, REVIEW, OR APPROVAL OF ANY APPLICATION ~~FILED AFTER MARCH 22, 2011, THAT HAS NOT RECEIVED SKETCH PLAN APPROVAL IN ACCORD WITH § 190-193 OF THE TALBOT COUNTY CODE ON OR BEFORE MARCH 22, 2011,~~ TO SUBDIVIDE ~~MORE THAN THREE (3) LOTS~~ ON OR FROM PARCELS ZONED “VILLAGE CENTER,” FOR A PERIOD OF NINE (9) MONTHS PENDING CONSIDERATION AND ADOPTION OF SUCH LEGISLATION AS THE COUNTY COUNCIL MAY CONSIDER ADVISABLE TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE

Mr. Pullen then gave a brief summary of the original resolution, stating that the resolution is the result of a discussion following the previous Council's consideration of the request by Carroll's Market for connection to the Copperville, Unionville, Tunis Mills sewer line. He stated that the Council agreed to allow Carroll's Market to connect to the line, with the understanding that the ambiguity regarding access to the force mains would be addressed at a later date. Mr. Pullen stated that since that time, the Village Center, or small area plans, as called for by the County Comprehensive Plan, are in progress. He stated that the proposed moratorium is a way of integrating the planning process in the small area plans, provides an opportunity to review the policies regarding extension of sewer service to the villages, and provides an opportunity for planning and investigation of opportunities to extend sewer from the Region II Wastewater Treatment Plant to other villages like Neavitt, Bozman, Wittman, and Claiborne as a way of solving the longstanding public health problems in those areas, as a way of meeting the TMDL limits forthcoming from the State and the Federal Government, and as a way to stabilize the financial structure for the Region II Wastewater Treatment Plant with regard to potential new customers. Mr. Pullen then outlined each of the proposed amendments.

Mr. Duncan called for a Point of Order on whether a vote should be taken on the amendment prior to the public hearing on the legislation. Mr. Pullen stated that, in his opinion, it would be preferable that the Council not vote on the amendment until after the Council had had an opportunity to more thoroughly review the amendment and to hear public comment.

The public hearing was then held on Resolution No. 180, A RESOLUTION TO ENACT A TEMPORARY MORATORIUM IN THE VILLAGES OF ROYAL OAK, NEWCOMB, BELLEVUE, UNIONVILLE, TUNIS MILLS, AND COPPERVILLE UPON PROCESSING, REVIEW, OR APPROVAL OF ANY APPLICATION FILED AFTER MARCH 22, 2011, TO SUBDIVIDE MORE THAN THREE (3) LOTS ON OR FROM PARCELS ZONED "VILLAGE CENTER," FOR A PERIOD OF NINE (9) MONTHS PENDING CONSIDERATION AND ADOPTION OF SUCH LEGISLATION AS THE COUNTY COUNCIL MAY CONSIDER ADVISABLE TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE,

And the proposed amendment. The public was afforded an opportunity to comment on the legislation and proposed amendment. The public hearing on Resolution No. 180, and proposed amendment, was continued to the Council meeting of Tuesday, May 24, 2011 at 6:30 p.m.

A public hearing on Resolution No. 181, A RESOLUTION TO CONSIDER THE PETITION OF DONALD H. KIRK AND PATRICIA MARIE KIRK, 25828 ST. MICHAELS ROAD, ST. MICHAELS, MARYLAND, TAX MAP 32 PARCEL 162, IN THE SECOND ELECTION DISTRICT, TALBOT COUNTY, MARYLAND -THE PETITION REQUESTS THAT TALBOT COUNTY FORMALLY DECLINE TO ACCEPT AN OUTSTANDING, UNACCEPTED OFFER OF DEDICATION IN AND TO A PORTION OF A CERTAIN PLATTED BUT UNIMPROVED PAPER STREET KNOWN AS MILES HAVEN AVENUE, and the public was provided an opportunity to comment on the legislation. Mr. Pullen advised the Council that both the Planning Commission and the Public Works Advisory Board had unanimously recommended approval of Resolution 181 at their respective meetings held on Wednesday, May 4, 2011. The Council approved Resolution No. 181 by voting 5 – 0 as follows:

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

Resolution No. 181 becomes effective immediately.

A public hearing was held on Resolution No. 182, A RESOLUTION TO CONSIDER THE PETITION OF PETER G. KORYTNYK, 10538 MIRACLE HOUSE CIRCLE, CLAIBORNE, MARYLAND, TAX MAP 14 PARCEL 3, IN THE FIFTH ELECTION DISTRICT, TALBOT COUNTY, MARYLAND - THE PETITION REQUESTS THAT TALBOT COUNTY FORMALLY DECLINE TO ACCEPT AN OUTSTANDING, UNACCEPTED OFFER OF DEDICATION IN AND TO CERTAIN PLATTED BUT UNIMPROVED AVENUES AND ALLEYS SHOWN AS A PORTION OF “PARK AVENUE”; A PORTION OF “HARRISON AVENUE”; A PORTION OF “HARRINGTON AVENUE” EACH CONSISTING OF A 50' WIDE PLATTED AND UNIMPROVED PAPER STREET, TOGETHER WITH AN UNIMPROVED ALLEY LYING TO THE NORTH OF AND PARALLEL WITH THAT PORTION OF “PARK AVENUE” REFERENCED ABOVE, AND A SECOND UNIMPROVED ALLEY LYING TO THE SOUTH OF AND PARALLEL WITH “HARRISON AVENUE” BETWEEN “HARRISON AVENUE” AND “HARRINGTON AVENUE” EACH UNIMPROVED ALLEY BEING 15' WIDE, and the public was afforded an opportunity to comment on the legislation. Both the Planning Commission and the Public Works Advisory Board had unanimously recommended approval of Resolution 182 at their respective meetings held on Wednesday, May 4, 2011. The Council approved Resolution No. 182 by voting 5 – 0 as follows:

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

Resolution No. 182 is effective immediately.

- X. Presentation of Recertification Report for the Talbot County Agricultural Land Preservation Program – Martin Sokolich, Long Range Planner – Mr. Sokolich requested Council approval to forward to the State of Maryland a report of its use of Maryland Agricultural Land Preservation Program (MALPF) funds in the County’s Priority Preservation Area Plan (PPA); Talbot County’s PPA Plan was approved by MALPF in 2009. Mr. Sokolich stated that the report serves as Talbot County’s application for recertification and is a requirement for same. Mr. Sokolich stated that two years of funding will be used this year to make offers for continued preservation of the County’s agricultural and natural resource land; the main source of funding for the Program is the agricultural transfer tax. Upon motion by Mr. Duncan, seconded by Mr. Hollis, the Council approved forwarding the report as its application for recertification of its MALPF Program by voting 5 – 0 as follows:

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

- XI. Continuation of County Manager’s Report:

- C. Talbot County Airport Board – Requested Council approval for the reappointment of Rudy Strickland to a four-year term on the Talbot County Airport Board; said term will expire June 1, 2015. Upon motion by Mr. Pack, seconded by Mr. Duncan, the Council approved the reappointment by voting 5 – 0 as follows:

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

- D. Talbot County Economic Development Commission – Requested Council approval for the reappointment of John General to a three-year term on the Talbot County Economic Development Commission; said term to expire June 30, 2014. Upon motion by Mr. Pack, seconded by Mr. Duncan, the Council approved the reappointment by voting 5 – 0 as follows:

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

- E. Talbot County Department of Social Services Board of Directors – Requested Council approval for the appointment of Constance Lauffer to the Talbot County Department of Social Services Board of Directors (DSS Board) to complete the unexpired term of Ben Blue; said term to expire June 30, 2013; requested the reappointment of Deborah Short, Walter Cuttler, and Dr. Fredia Wadley to three-year terms on the DSS Board; said terms will expire on June 30, 2014; requested the appointment of Ben Blue to a three-year term on the DSS Board; said term to expire June 30, 2014. Upon motion by Mr. Pack, seconded by Mr. Hollis, the Council approved the appointments and reappointments by voting 5 – 0 as follows:

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

- F. Talbot Family Network Board of Directors – Requested Council approval for the reappointment of Mary Adkins to a three-year term on the Talbot Family Network Board of Directors; said term to expire June 30, 2014. Upon motion by Mr. Hollis, seconded by Mr. Pack, the Council approved the reappointment by voting 5 – 0 as follows:

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

- G. Talbot County Comprehensive Plan Review Committee – Requested Council approval of the following individuals to the Talbot County Comprehensive Plan Review Committee: Robert Amdur, Jane Bollman, Lisa Gowe, Chip Councill, Gary Crawford, Christine Dayton, Shannon Dill, Debra Divins Davis, Jack Fischer, Brice Gamber, John General, Robert Greenlee, Gary Gunther, Robert Horvath, Pete Leshner, Mike Mielke, Jim Moses, John Murray, Amy Owsley, Mark Scallion, Dan Schwanager,

Jennifer Shull, Al Silverstein, Vicki Sump, Bertha Wilson, Margaret Young, Frank Cavanaugh, Lynn Thomas, Hope Harrington, and Ed Hiekes. Upon motion by Mr. Pack, seconded by Ms. Price, the Council approved the appointments by voting 5 – 0 as follows:

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

Mr. Craig stated that additional appointments are anticipated in the near future.

- H. Change Order to Contract for Dutchmans Lane Culvert Project – Requested Council approval of the contractor’s request for a Change Order to the contract for the Dutchmans Lane Culvert Project in the sum of \$179,004.65; said Change Order is the result of underestimating the number of units required for some materials for the project for which the contractor is not believed to be responsible. Mr. Craig advised that approximately \$85,000 remains in the Capital Improvement Project Fund for the Dutchmans Lane Improvement Project; the County Engineer is recommending that \$100,000 come from the \$2.4 million allocated to Phase III of the Project; Mr. Craig stated, and Mr. Pullen reiterated, that inter-project transfers of appropriations between capital projects in the capital budget may be authorized by legislative act of the Council upon request of the County Manager. Mr. Pullen further stated that a bill will be prepared, introduced and scheduled for public hearing to make that inter-fund project transfer. Upon motion by Mr. Duncan, seconded by Mr. Hollis, the Council approved the Change Order by voting 5- 0 as follows:

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

The original contract for the Project was in the sum of \$887,173.45, \$885,000 of which was funding received through the American Recovery and Reinvestment Act.

XII. Council Comments:

Mr. Duncan - No comments.
Ms. Price - No comments.
Mr. Bartlett - No comments.
Mr. Pack - No comments.
Mr. Hollis - No comments.

- XIII. Upon motion by Mr. Pack, seconded by Ms. Price, the Council voted to adjourn to Executive Session for discussion of legal, personnel, and real estate matters, to reconvene at 3:30 p.m. in a Budget Work Session for final deliberations on the FY 2011-2012 Budget, and to reconvene on Tuesday, May 24, 2011 at 5:00 p.m. in Executive Session for discussion of legal, personnel and real estate matters and at 6:00 p.m. for the regularly scheduled meeting by voting 5 – 0 as follows:

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

The meeting adjourned at 3:07 p.m.

- XIV. On Tuesday, May 10, 2011 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 Mr. Duncan, seconded by Mr. Pack, the Council met in Executive Session by voting 5 - 0 as follows:

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

In accordance with State Article §10-508(a) (1)(i) the purpose of the Executive Session was for discussion of a personnel matters to discuss appointments to various County boards and committees and to discuss personnel matters involving the budget. The meeting recessed at 1:30 p.m., reconvened at 3:20 p.m., recessed at 3:50 p.m., and reconvened at 6:00 p.m. The Executive Session ended at 6:30 p.m.

- XV. Budget Work Session (Final Deliberations) – The Council held a Work Session for final deliberations on the FY 2011-2012 Budget. Various budget line items were discussed and voted upon. Those items which were approved will be incorporated into the FY 2011-2012 Budget and will be funded by reducing the reserve for contingencies.

The transcript of the May 10, 2011 County Council meeting is available for review in the Office of the County Manager during regular office hours.

CASH STATEMENT 5/10/2011

BALANCE 5/03/2011	\$2,684,462.49
MLGIP WITHDRAW	2,000,000.00
INTEGRA5/2011	(12,936.32)
UHC CLAIMS THRU 5/3/2011	(54,079.26)
POSTAGE WIRE	(3,000.00)
BANK CHARGES 4/2011	(1,580.71)
INTEREST ON ACCT 4/2011	691.08
BOARD OF EDUCATION 3/2011	(2,860,800.00)
TRSNS LOCAL SHARE TO AIP35	(11,433.72)
TRANS LOCAL SHARE TO AIP37	(1,091.98)
UTMC QTRLY BOND PAYMENT	(2,833.00)
PAYROLL-FD/SS/MS WH	(7,976.17)
MD WH	(1,930.43)
PENSION DED	(184.17)
FLEX SPENDING ACCT	(100.00)

DEPOSITS	918,739.23
CHECKS	(963,024.97)
VOID CHECK NO. 268404	956.81

BALANCE 5/10/2011 **1,683,878.88**

AIRPORT ACCOUNTS

AIP29	19,528.29
AIP30	202.57
NEW AIP-RUNWAY 4-22 EXTENSION ANALYSIS	--
AIP34	16,346.21

AIP-35	BALANCE 5/3/2011	\$45,985.65	
	DEPOSIT	1,681.11	
	LOCAL SHARE DEPS	11,433.72	
	CHECKS	(21,748.09)	37,352.39

AIP36	BALANCE 5/3/2011	10,991.01	
	DEPOSIT	837.61	
	CHECKS	(2,277.64)	9,550.98

AIP37			947.86
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AIRPORT ACCOUNTS TOTAL BALANCE **\$83,928.30**

INVESTMENTS – CERTIFICATES OF DEPOSIT

<u>CERTIFICATE DATE</u>	<u>MATURITY DATE</u>	<u>RATE</u>	<u>AMOUNT</u>
02/18/2011	05/27/11	0.21%	2,000,000.00
04/26/2011	05/26/11	0.19%	3,000,000.00
04/26/2011	05/26/11	0.21%	4,000,000.00
08/31/2010	05/31/11	0.37%	4,000,000.00
09/14/2010	06/14/11	0.37%	3,000,000.00
03/15/2011	06/14/11	0.26%	3,000,000.00
03/29/2011	06/28/11	0.16%	1,500,000.00
07/27/2010	07/26/11	0.51%	6,000,000.00
08/11/2010	08/09/11	0.52%	4,000,000.00
08/31/2010	08/30/11	0.56%	4,000,000.00
09/28/2010	09/27/11	0.57%	5,000,000.00
02/18/2011	12/20/11	0.56%	3,000,000.00

PNC-MLGIP INVESTMENTS TOTAL	0.12%	3,000,000.00
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TOTAL INVESTED **\$43,500,000.00**

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

GRAND TOTAL ALL FUNDS **\$45,274,607.18**