



TALBOT COUNTY, MARYLAND

County Council

MINUTES

December 14, 2021

Present – President Chuck Callahan, Vice President Pete Leshner, Frank Divilio, Corey Pack, Laura Price, County Manager Clay Stamp, and County Attorney Patrick Thomas.

- I. Agenda – The Agenda of Tuesday, December 14, 2021 was brought forward for approval. Mr. Divilio made a motion to amend the agenda to remove *Item III, Minutes – November 23, 2021* from the agenda as they were not finalized for Council’s review; Mr. Leshner seconded the motion. The Council approved the Agenda of Tuesday, December 14, 2021, as amended, by voting 5 – 0 as follows:

Mr. Callahan – Aye
Mr. Divilio – Aye
Mr. Leshner – Aye
Ms. Price – Aye
Mr. Pack – Aye

- II. Minutes – The Minutes of November 23, 2021 had been previously removed from the agenda.
- III. Disbursements – Mr. Callahan requested and received unanimous consent for approval of the Disbursements of Tuesday, November 30, 2021, Tuesday, December 7, 2021, and Tuesday, December 14, 2021.
- IV. Introduction of Numbered Resolutions:

A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN REGARDING THE CONNECTION OF PHASE 1, SECTION 1 OF THE LAKESIDE PROJECT TO THE EXISTING TRAPPE WASTEWATER SYSTEM was read into the record by the Clerk and brought forward for introduction. Prior to introduction, Patrick Thomas, County Attorney, stated that the legislation, prepared at the request of Ms. Price, proposes to amend the County’s Comprehensive Water and Sewer Plan by requiring that any new connections to the Town of Trappe’s wastewater treatment system from Phase 1, Section 1 of the Lakeside Project are subject to the existing wastewater treatment plant not having any outstanding enforcement actions, consent orders, or violations from the Maryland Department of the Environment (MDE); no portion of the start-up phase may be connected to the existing Town of Trappe wastewater treatment plant more than 18 months after final approval of Resolution No. 313 by MDE (pending approval of the resolution by the Council); and within 18 month from final issuance of all required permits and approvals for the new Lakeside wastewater treatment plant (including exhaustion or final resolution of all appeals), all wastewater from the start-up phase being treated by the existing Trappe wastewater system shall be redirected to the new Lakeside wastewater treatment plant. Ms. Price stated that there are very few changes in the language of the proposed resolution than what the Town of Trappe and the developer have been representing to the County for years. She stated that, in her opinion, the resolution will hold the developer accountable to what they have previously represented. Ms. Price concluded her comments by stating that, in her opinion, the legislation offers some environmental protection and she would rather have some protections in place than have nothing. The legislation was introduced by Mr. Callahan, Mr. Leshner and Ms. Price as Resolution No. 313. A public hearing was scheduled for Tuesday, January 25, 2022 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington St., Easton, Maryland 21601. The Planning Commission will consider Resolution No. 313 at its meeting on Wednesday, January 5, 2022.

A RESOLUTION AUTHORIZING THE TRANSFER OF ANY INTEREST TALBOT COUNTY, MARYLAND HOLDS IN A PORTION OF BROOKS LANE TO THE COMMISSIONERS OF ST. MICHAELS AND THE EXECUTION OF A QUITCLAIM DEED TO EFFECTUATE THE SAME was read into the record by the Clerk and brought forward for introduction. Prior to introduction, County Engineer, Ray Clarke, stated that the Town of St. Michaels had agreed to accept Brooks Lane, currently owned by the County, as a Town road, provided the road was improved to the Town of St. Michaels' standards. He stated that the Town annexed the adjacent area, which has several Habitat for Humanity Choptank properties, into the Town of St. Michaels in 2017. The legislation was introduced by Mr. Callahan, Mr. Divilio, Mr. Leshner, Mr. Pack, and Ms. Price as Resolution No. 314. A public hearing was scheduled for Tuesday, January 11, 2022 in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

V. County Manager's Report:

- A. Talbot County Agricultural Resolution Board – Requested Council approval for the appointment of Shawn Smith, Talbot County Soil Conservation District and Shannon Dill, University of Maryland Extension, to the Talbot County Agricultural Resolution Board as Ex-Officio members. Upon motion by Mr. Pack, seconded by Mr. Leshner, the Council approved the appointments by voting 5 – 0 as follows:

Mr. Callahan - Aye
Mr. Divilio – Aye
Mr. Leshner – Aye
Ms. Price – Aye
Mr. Pack – Aye

- B. Request from Department of Planning & Zoning – Requested Council approval to participate in the FY2022 Maryland Agricultural Land Preservation Foundation (MALPF) Easement Acquisition Matching Funds Program through the commitment of \$100,000 in agricultural transfer tax funds. Miguel Salinas, Planning Officer, stated that the funding, derived from retaining a portion of agricultural transfer tax monies received by the County, will be combined with monies allocated to the counties each year from the State for land preservation and used for easement acquisitions. Council discussion ensued with Mr. Salinas. Upon motion by Mr. Leshner, seconded by Mr. Divilio, the Council approved participation in the MALPF Matching Funds Program by voting 5 – 0 as follows:

Mr. Callahan - Aye
Mr. Divilio – Aye
Mr. Leshner – Aye
Ms. Price – Aye
Mr. Pack – Aye

- C. Request from Roads Department – Requested Council approval of the Roads Superintendent's recommendation to purchase scales for use at the County Repurposing Center from the low bidder, Fairbanks Scales, in the sum of \$124,055.44; said purchase will be made utilizing the same discounts provided to Wicomico County; funding for the purchase is available in the FY22 Roads Department budget. Upon motion by Mr. Pack, seconded by Mr. Divilio, the Council approved the purchase by voting 5 – 0 as follows:

Mr. Callahan - Aye
Mr. Divilio – Aye
Mr. Leshner – Aye
Ms. Price – Aye
Mr. Pack – Aye

- D. Request from Department of Public Works – Requested Council approval to accept a United States Department of Agriculture (USDA) Rural Development loan (\$880,000) and grant (\$770,000) package in the sum of \$1,650,000; said funding will be used to complete the St. Michaels Sanitary Sewer System Restoration Project with payments on the loan portion of the package to be repaid by users of the Region II sewer system. Council discussion ensued with Mr. Clarke. Upon motion by Mr. Pack, seconded by Mr. Leshner, the Council approved acceptance of the loan and grant package as outlined by voting 5 – 0 as follows:

Mr. Callahan - Aye
Mr. Divilio – Aye
Mr. Leshner – Aye
Ms. Price – Aye
Mr. Pack – Aye

- E. Bid No. 17-09, ST. MICHAELS PUMPING STATION #3 UPGRADE/REHABILITATION – TALBOT COUNTY, MARYLAND (Change Order No. 21) – Requested Council approval to award Change Order No. 21 for Bid No. 17-09 to Schummer, Inc. in the sum of \$1,286,105. Mr. Clarke stated that the Council had reviewed the matter at its meeting on Tuesday, October 12, 2021 and had tentatively approved the award, contingent upon receipt of funding from USDA Rural Development. Upon motion by Mr. Pack, seconded by Ms. Price, the Council approved the award by voting 5 – 0 as follows:

Mr. Callahan - Aye
Mr. Divilio – Aye
Mr. Leshner – Aye
Ms. Price – Aye
Mr. Pack – Aye

- F. Bid No. 15-23, ST. MICHAELS PHASE V SANITARY SEWER SYSTEM REHABILITATION AND GRACE STREET PUMP STATION REPLACEMENT ENGINEERING SERVICES (Amendment No. 17) – Requested Council approval to award Amendment No. 17 for Bid No. 15-23 to Rauch, Inc. in the sum of \$183,375. Mr. Clarke stated that the Council had reviewed the matter at its meeting on Tuesday, October 12, 2021 and had tentatively approved the award, contingent upon receipt of funding from USDA Rural Development. Upon motion by Mr. Pack, seconded by Mr. Divilio, the Council approved the award by voting 5 – 0 as follows:

Mr. Callahan - Aye
Mr. Divilio – Aye
Mr. Leshner – Aye
Ms. Price – Aye
Mr. Pack – Aye

- G. Update on American Rescue Plan Act (ARPA) Grant – Mr. Stamp stated that the County had received funding from the American Rescue Plan Act (ARPA) and that a community survey would soon be available on the County’s website to gather input from the public as to where they would like to see the County prioritize its use of the funds. He stated that Mr. Leshner is chair of the committee which will be developing a strategy for use of the ARPA funds. Cassandra Vanhooser, Director, Department of Economic Development and Tourism, stated that the committee has been working with BEACON (Business Economic and Community Outreach Network) at Salisbury University to develop the survey which will be soon available on the County’s website in English and Spanish and will be distributed through various outlets, including social media, in order to garner citizens’ participation; printed copies will also be distributed. She stated that the committee first met in early Fall 2021 with each of the municipalities, which each also received funding, in order to coordinate and avoid duplication of use of the funding. Mr. Leshner stated that the County will receive a total of \$7.2 million of the one-time funding; half of the funding has already been received. He stated that uses for the funding are flexible over a longer timeframe than some of the funding previously distributed to the County. He outlined the types of projects for which the funding can be used, including businesses, nonprofits, infrastructure (including broadband), and possibly some capital projects. Ms. Vanhooser stated that the survey will stay open through the second week of January; results will be compiled soon thereafter. Council discussion ensued with Ms. Vanhooser. At Council’s request, Ms. Vanhooser will contact *The Star Democrat* and *Talbot Spy* and inquire about the donation of space to promote the survey.

VI. Continuation of Public Hearing:

Resolution No. 308, A RESOLUTION TO RESCIND ADOPTION OF RESOLUTION NO. 281, A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN (THE “PLAN”) TO RECLASSIFY AND REMAP PORTIONS OF CERTAIN REAL PROPERTY LOCATED IN THE TOWN OF TRAPPE, MARYLAND, ASSOCIATED WITH THE LAKESIDE PLANNED UNIT DEVELOPMENT (THE “LAKESIDE PROJECT”) (FORMERLY KNOWN AS “TRAPPE EAST”), FURTHER DESCRIBED AS TAX MAP 54, PARCEL 304; TAX MAP 55, PARCELS 14, 15, 17, 19, 44, 65, 83, AND 85; AND, TAX MAP 59, PARCEL 4, THE TOTAL AREA CONSISTING OF EIGHT HUNDRED SIXTY-FIVE ACRES, MORE OR LESS (THE “PROPERTY”), FROM “S-2” AND “W-2” (AREAS WHERE IMPROVEMENTS OR EXTENSIONS TO EXISTING, OR CONSTRUCTION OF NEW COMMUNITY, MULTI-USE, OR SHARED SANITARY FACILITIES ARE PROGRAMMED FOR PROGRESS WITHIN THREE TO FIVE YEARS) TO “S-1” AND “W-1” (AREAS SERVED OR TO BE SERVED BY COMMUNITY, MULTI-USE, OR SHARED SANITARY FACILITIES WHICH ARE EXISTING, UNDER CONSTRUCTION, OR HAVE IMMEDIATE PRIORITY STATUS); TO AMEND THE PLAN TO ADD CERTAIN WATER AND SEWER CAPITAL PROJECTS RELATED TO THE LAKESIDE PROJECT AND EXISTING SYSTEMS FOR THE FISCAL YEARS 2020 THROUGH 2030; AND, TO AMEND THE PLAN TO UPDATE THE NARRATIVE DESCRIPTION IN THE PLAN RELATIVE TO THE LAKESIDE PROJECT AND EXISTING SYSTEMS, *as amended*, WITHOUT PREJUDICE, was read into the record by the Clerk and brought forward for a continuation of the public hearing of Tuesday, October 12, 2021. Members of the public were afforded an opportunity to comment on the legislation. Written comments will be accepted until Noon on Friday, January 14, 2022. The Planning Commission and Public Works Advisory Board will review Resolution No. 308 and related documents at their respective meetings on Wednesday, January 5, 2022. Resolution No. 308 is eligible for vote on Tuesday, January 25, 2022.

VII. Public Hearings:

Resolution No. 310, A RESOLUTION AUTHORIZING THE TRANSFER OF ANY INTEREST TALBOT COUNTY, MARYLAND HOLDS IN FLOOD AVENUE TO THE TOWN OF EASTON AND THE EXECUTION OF A QUITCLAIM DEED TO EFFECTUATE THE SAME was read into the record by the Clerk and brought forward for public hearing. Prior to the public hearing, Patrick Thomas, County Attorney, stated that the legislation follows a request made by the Town of Easton in September 2021 that the County consider conveying any interest it has in the portion of Flood Avenue between Port Street and Glenwood Avenue to the Town; the Town would then assume maintenance of the roadway. Members of the public were then afforded an opportunity to comment on the legislation. Clay Stamp, County Manager, requested that Council defer the vote on Resolution No. 310 in order to provide staff an opportunity to resolve an issue related to possible flooding on the subject road; Council agreed to Mr. Stamp's request. Written comments will be accepted until Friday, December 17, 2021. Resolution No. 310 is eligible for vote on Tuesday, December 21, 2021.

Resolution No. 311, A RESOLUTION TO AMEND THE TALBOT COUNTY COUNCIL RULES OF PROCEDURE TO CLARIFY CERTAIN PROCEDURES REGARDING THE ADOPTION OF NUMBERED AND ADMINISTRATIVE RESOLUTIONS, THE FILING OF PETITIONS, THE DRAFTING OF LEGISLATION, AND THE CONDUCT OF PUBLIC HEARINGS AND TO CORRECT OUTDATED AND INCONSISTENT LANGUAGE, was read into the record by the Clerk and brought forward for public hearing. Prior to the public hearing, Patrick Thomas, County Attorney, briefed the Council on the purpose of the legislation. Members of the public were then afforded an opportunity to comment on the legislation. Written comments will be accepted until Noon on Friday, January 14, 2022. Resolution No. 311 is eligible for vote on Tuesday, January 25, 2022.

Resolution No. 312, A RESOLUTION TO ADOPT A REDISTRICTING PLAN FOR BOARD OF EDUCATION ELECTION DISTRICTS PURSUANT TO § 3-12A-01 OF THE EDUCATION ARTICLE OF THE ANNOTATED CODE OF MARYLAND, was read into the record by the Clerk, brought forward for public hearing and the public was afforded an opportunity to comment on the legislation. Mr. Divilio made a motion to accept the new mapping for the redistricting and Ms. Price seconded the motion. The Council voted to move Resolution No. 312 forward for vote by voting 5 – 0 as follows:

Mr. Callahan - Aye
Mr. Divilio – Aye
Mr. Leshner – Aye
Ms. Price – Aye
Mr. Pack – Aye

The Council approved Resolution No. 312 by voting 5 – 0 as follows:

Mr. Callahan - Aye
Mr. Divilio – Aye
Mr. Leshner – Aye
Ms. Price – Aye
Mr. Pack – Aye

Council members expressed their appreciation to the Board of Education Redistricting Commission for their work on the project.

Resolution No. 312 is effective immediately.

Bill No. 1495, A BILL TO AMEND SECTION 190-63.1 A. OF THE TALBOT COUNTY CODE IN ORDER TO MODIFY THE COMPOSITION OF THE TALBOT COUNTY SHORT-TERM RENTAL REVIEW BOARD, was read into the record by the Clerk and brought forward for public hearing. Prior to the public hearing, Patrick Thomas, County Attorney, stated that the proposed amendment deletes the requirement for an attorney with real estate experience and outlined the reasons for same. Members of the public were then provided an opportunity to comment on the proposed legislation. Council discussion ensued. Mr. Pack made a motion to strike out the words “*with experience in real estate*” and leave the word “*attorney*” to read as follows: the board shall be composed of an attorney, representative from the vacation rental management industry, a member of the community or civic association,, etc., etc., as written in the bill; Ms. Price seconded the motion and Council discussion again ensued. The Council approved the amendment by voting 4 – 1 as follows:

Mr. Callahan – Aye
Mr. Divilio – Nay
Mr. Leshner – Aye
Ms. Price – Aye
Mr. Pack – Aye

Bill No. 1495, as amended, was brought to third reader. Upon motion by Mr. Pack, and no objection by the Council, a full reading of the legislation was waived. The Council approved Bill No. 1495, as amended, by voting 5 – 0 as follows:

Mr. Callahan – Aye
Mr. Divilio – Aye
Mr. Leshner – Aye
Ms. Price – Aye
Mr. Pack - Aye

Bill No. 1495, as amended, will take effect as provided for in the legislation.

- VIII. Presentation and Discussion of Potential Alternative Locations for Talbot Boys Monument – Mr. Stephen Hunter presented opening statements as to, in his opinion, why the “Talbot Boys” monument should not proceed to be moved to the Cross Keys Battlefield in Rockingham County, Virginia near Harrisonburg, Virginia as previously approved by the Council, but instead remain in Talbot County. Mr. Ken Eaton and Mr. Hunter utilized a PowerPoint presentation to provide information on the Cross Keys Battlefield location. They then provided information on Confederate Memorial Park at Point Lookout in Scotland, St. Mary’s County, Maryland and the Shannahan Farm on Chloras Point near Trappe, and outlined, in their opinion, the attributes of each. Mr. Hunter and Mr. Eaton requested Council consideration to move the “Talbot Boys” monument to the Shannahan Farm, citing the monument’s connection to the owners of the farm. Council discussion ensued with Mr. Hunter and Mr. Eaton. Ms. Price made a motion to try to work out the details of an agreement with the owners of the Shannahan Farm for placement of the “Talbot Boys” monument on their property; Mr. Callahan seconded the motion. The Council did not approve moving forward with the Shannahan property proposal by voting 2 – 3 as follows:

Mr. Callahan – Aye
Mr. Divilio – Nay
Mr. Leshner – Nay
Ms. Price – Aye

Mr. Pack – Nay

Following Council's vote, Mr. Hunter concluded his comments.

IX. Public Comments: Members of the public were provided an opportunity to comment on matters of interest to them.

X. Council Comments:

Mr. Pack - Mr. Pack stated that he hoped everyone had had a great and safe Thanksgiving, and as we go into another holiday and want to gather around friends and family, he encourages everyone to get vaccinated or get the booster. He stated that although he had gotten both his flu shot and the COVID booster at the same time, he recommends spacing them out. He stated that, in his opinion, we are not out of this thing yet by a long shot so we must continue to promote vaccinations, testing, and social distancing to keep ourselves and our families safe. He stated that the proposed changes to the County Rules of Procedure are intended to make some of the procedural processes better; the Council is not trying to skirt around anything or to do anything nefarious or to correct something wrong that the Council had done in the past as had been suggested. He stated that the Council is just trying to make sure that this Council and future Councils have a better path of conducting County business; to more clearly differentiate between an administrative resolution, a numbered resolution and a bill and how they are handled – what gets a public hearing and what does not get a public hearing – and how the Council handles petitions. He stated that the Council needs to have clear rules and instructions. Mr. Pack concluded his comments by reiterating that the Council has heard from the current county attorney and the previous county attorney that the Council needs to clarify some of its procedures. He stated that he was not saying that what the Council had done in the past was technically wrong – but that sometimes when you go through a procedure, there are ways to do things in a better way.

Mr. Divilio - Mr. Divilio stated that, in his opinion, the process that the Council has been through with regard to the statue has been incredibly challenging, and the last thing he wants to do is to bring in another person who doesn't deserve it, as happened tonight with Mr. Prager and the Talbot Historical Society. He stated that, in his opinion, he cannot think of a worse, more offensive location to put a Confederate monument than on the corner of West and Port Streets and that's why when he spoke with Mr. Prager he did not follow through with it and let him know that he would not bring him, or the Historical Society into it. Mr. Divilio stated that the same goes for the cemeteries, individuals, churches and family gravesites. He stated that the matter of the statue is an emotional issue that is difficult for some people to handle; the last thing he would do is make someone go through it that does not want to be a part of it – that's his honor and integrity, that's how he has always acted and will continue to act, whether anyone likes it or not. He stated that the reason he had proposed the removal of the statue through an administrative resolution was evidenced tonight – How many times have we had staff leave before comment because they are tired of hearing about it? How many applications have been withdrawn because of it? He stated that at the end of the day we have a government to run – when people aren't applying, people are quitting, and tech support doesn't want to provide the tech support any longer because they are tired of sitting through public comment, I have to make a decision and that's what I did. He concurred with a previous statement by a member of the public that there were no public hearings, stating that he had had several and thought that he had heard everything he could possibly hear. He stated that, in his opinion, he does not think there

were any surprises to any members of the Council; he spoke to them, followed the Rules of Procedure and did what was right, whether you like the vote or not, think the vote was right or not, he had correctly followed procedure.

Mr. Leshner - Mr. Leshner stated that he too wished to put in a final word on the monument. He stated that the decision at the last Council meeting, which did not change tonight, in his opinion, puts the monument in the hands of a trustworthy custodian with a preservation of public access and interpretation. He stated that he finds it unfortunate that we did not have a viable publicly accessible site in Talbot County owned by an organization for its perpetual care to step forward and become the custodian of this monument; it's unfortunate it didn't happen. He stated that, as an historian, he wanted to set the record straight regarding an often repeated inaccuracy that the young man depicted on the statue is not coming home from war and his flag is not draped in surrender. Mr. Leshner stated that the statue, inspired by Longfellow's poem *Excelsior*, depicts a young man going off to war to fight a hopeless cause. He stated that, in his opinion, the meaning was not lost on those who chose the emblem of the Lost Cause. Mr. Leshner congratulated Councilwoman Laura Price on her election and inauguration as president of the Maryland Association of Counties (MACo) for the coming year. He stated that he and several of his colleagues had had the pleasure of seeing her speak, in his opinion, really eloquently at the MACo winter conference as the new MACo president.

Ms. Price - Ms. Price expressed her appreciation to Mr. Leshner for his kind words. She also expressed her appreciation to the Talbot County Emergency Services Department, who had to be called on her behalf approximately a week ago. She stated that although she has always been supportive of public safety in the county and had had an opportunity to witness it when riding in the ambulance with her father, but until you experience it for yourself, you don't appreciate the knowledge, expertise, and caring shown to the patients. She acknowledged that she was one of "those bad patients" who did not initially want to be transported until the ambulance crew brought the equipment that is normally in the ambulance into the house and convinced her that she did need to be transported. She stated that one of MACo's initiatives in the upcoming legislative session concerns reimbursement for transport to hospitals and to other locations, thinking to herself that she should not be refusing transport. She stated that she was amazed by everything they do for the patient in the ambulance before leaving the driveway. She stated that she will never forget what they did and is incredibly grateful for the staff that we have. She stated that the MACo conference was, in her opinion, incredible and that the winter conference is much different than the summer conference because it is all under one roof instead of being spread out over Ocean City. She stated that although the State legislators were not there because they were in Special Session, there were still several hundred locally elected officials in attendance. She stated that she is incredibly honored to have been working for 11 years to get to this point to lead the MACo organization and bring people back together after not really being together for almost two years. She stated that, in her opinion, the reason MACo works and is so respected is due to the relationships that are formed. She stated that that was her message last Thursday night and will be her message in the upcoming year. Ms. Price concluded her comments by thanking all those who had attended her inauguration as MACo president.

Mr. Callahan – Mr. Callahan stated that, in his opinion, Ms. Price had "knocked it out of the park" with her speech and it was a pleasure to have been there to support her. He expressed confidence that Ms. Price would do a good job as MACo president in the coming year. He stated that,

in his opinion, the Council is blessed to have someone from Talbot County as president because the Council will get all the updates quickly. He stated that the last couple of nights have been tough on staff and the Council and commended everyone for doing a good job. He expressed his appreciation to members of the public for coming out and providing their viewpoint on various matters. He stated that the Council is trying to do its best to provide the information it has in order to be transparent and trustworthy. Mr. Callahan concluded his comments by again expressing his appreciation to County staff for their hard work to get Council information.

- XI. Upon motion by Mr. Pack, seconded by Mr. Divilio, the Council voted to adjourn and to reconvene on Tuesday, December 21, 2021 at 4:30 p.m. in the Bradley Meeting Room in Open Session, immediately adjourn into Closed Session for discussion of legal, personnel and real estate matters as listed on the statement for closing the meeting, and at 6:00 p.m. for the meeting by voting 5– 0 as follows:

Mr. Callahan - Aye
Mr. Divilio – Aye
Mr. Leshner – Aye
Ms. Price – Aye
Mr. Pack – Aye

The meeting adjourned at 9:08 p.m.

The transcript of the December 14, 2021 County Council meeting is available for review in the Office of the Talbot County Manager during regular office hours.

- XII. Continuation of Public Hearing on Resolution No. 308 – The Council met with Petitioner Dan Watson on Monday, December 13, 2021 at 5:00 p.m. in the Bradley Room to hear the completion of Mr. Watson’s presentation on Petition No. 21-01, IN THE MATTER OF Dan Watson FOR RESCISSION (WITHOUT PREJUDICE) OF RESOLUTION 281. Resolution No. 308 arose from Petition No. 21-01 filed by Mr. Watson on May 7, 2021. Mr. Watson had begun his presentation on Tuesday, October 12, 2021; however, due to time constraints, the matter was continued to December 13th. At the October 12th meeting, Mr. Watson’s presentation included the role of the Maryland Department of the Environment (MDE) for the Lakeside project which involves the construction of approximately 2,501 single-family, townhouse and apartment residences, as well as commercial properties through a phased-in approach on approximately 865 acres of property previously annexed into the Town of Trappe as approved under Talbot County Resolution No. 281. Mr. Watson reviewed the history for the proposed project, and expressed his concerns regarding the proposed construction of a wastewater treatment plant to serve the development, and the effects of spray irrigation on the surrounding land and waters, and the MDE Permit for the current Town of Trappe wastewater treatment plant which is scheduled to serve the Lakeside Project for a period of time. As the presentation moved forward, Mr. Watson called Council’s attention to the various documents he had previously provided to them for their review, and which, in his opinion, supported his concerns. Council discussion ensued with Mr. Watson. All other comments on Resolution No. 308 will be heard at the Tuesday, December 14, 2021 Council meeting.
- XIII. Summary of Closed Session Held on December 14, 2021

1. Statement of the time, place, and purpose of the closed session:

Time of closed session: 4:30 p.m. to 6:00 p.m.

Place of closed session: County Council Office and Bradley Meeting Room, South Wing, Courthouse, 11 North Washington Street, Easton, MD

Purpose of the closed session: To consider various matters as set forth in the statement for closing the meeting

2. Record of the vote of each member as to closing the session:

Names of members voting aye: Callahan, Divilio, Leshner, Pack, Price

Members opposed: None

Abstaining: None

Absent: None

3. Statutory authority to close session and listing of each topic actually discussed, persons present, and each action taken in the session:

Topic Description	Statutory Authority	Reason for Closed Session Discussion	Persons Present	Action Taken
To discuss appointments to various County boards and committees	GP § 3-305 (b) (1)(i)	Public discussion of specific appointees could discourage individuals from volunteering to serve on County boards and committees	Chuck Callahan, Frank Divilio, Pete Leshner, Corey Pack, Laura Price, Clay Stamp, Jessica Morris, Patrick Thomas	No action
Legal advice on potential litigation (Petition 21-02/Preserve Talbot History, Inc.)	GP § 3-305 (b) (7)(8)	Confidential attorney-client discussion regarding status of litigation	Chuck Callahan, Frank Divilio, Pete Leshner, Corey Pack, Laura Price, Clay Stamp, Jessica Morris, Patrick Thomas	No action
Legal advice on litigation (Complaint for Writ of Mandamus)	GP § 3-305 (b) (7)(8)	Confidential attorney-client discussion regarding status of litigation	Chuck Callahan, Frank Divilio, Pete Leshner, Corey Pack, Laura Price, Clay Stamp, Jessica Morris, Patrick Thomas	No action
To discuss possible acquisition of property in Easton for a public purpose	GP § 3-305 (b) (3)	To protect County's bargaining position regarding the potential acquisition of a specific parcel of real property for a public purpose	Chuck Callahan, Frank Divilio, Pete Leshner, Corey Pack, Laura Price, Clay Stamp, Jessica Morris, Patrick Thomas	No action

CASH STATEMENT 11/30/2021

BALANCE 11/23/2021	51,843,543.09
TOTAL ADP PAYROLL PPE 11/12/2021	(698,439.29)
PENSION DED PPE 11/12/2021	(41,006.79)
DEFERRED COMP DED PPE 11/12/2021	(19,639.17)
DEFERRED COMP PPE 11/12/2021 PLAN 401(A)	(6,816.86)
RETURNED CHECK #207	(260.00)
TALBOT COUNTY VISA PAYMENTS 11/2021	(31,970.56)
DEPOSITS	1,588,850.66
CHECKS	(339,373.11)
VOIDED CHECK(S) #354389, 355308	591.98
BALANCE 11/30/2021	<u>52,295,479.95</u>

INVESTMENTS - CERTIFICATES OF DEPOSIT

<u>Certificate Date</u>	<u>Maturity Date</u>	<u>Yield</u>	<u>Amount</u>
PNC-MLGIP INVESTMENTS TOTAL		0.04%	20,500,000.00
BAYVANGUARD BANK			10,204,248.25
TOTAL INVESTED			<u>30,704,248.25</u>
PETTY CASH BALANCE			<u>12,175.00</u>
<u>GRAND TOTAL ALL FUNDS</u>			<u>83,011,903.20</u>

CASH STATEMENT 12/07/2021

BALANCE 11/30/2021	52,295,479.95
--------------------	---------------

TOTAL ADP PAYROLL PPE 11/30/2021	(12,815.00)
2021 EMPLOYEE HOLIDAY BONUS CHECKS	(89,957.04)
DEFERRED COMP DED PPE 11/30/2021	(990.00)
PENSION DED PPE 11/30/2021	(768.40)
ENTERPRISE LEASE PYMT 11/2021	(12,559.59)
EASTON ELEMENTARY SCHOOL PROJECT	(103,457.68)
TALBOT FAMILY SUPPORT CENTER PROJECT	(165,346.10)
EASTON HIGH SCHOOL ROOF REPLACEMENT PROJECT	(106,853.96)
WELLS FARGO GOLF EQUIPMENT LEASE PYMT	(128.00)
CIGNA CLAIMS PAID THRU 11/22/2021	(89,624.25)
CIGNA HEALTH CLAIMS PD THRU 12/2/2021	(119,364.03)
TALBOT COUNTY AVIGATION EASEMENT	(21,345.00)
ELECTION BOARD PPE 11/2/2021	(9,940.57)
ELECTION BOARD PPE 11/9/2021 & 11/16/2021	(11,576.78)
DECEMBER 2021 RETIREE HEALTH PLAN #727	(34,379.52)
TALBOT CO FREE LIBRARY/FY21-FY22 12/2021	(126,616.00)
TALBOT CO HUMANE SOCIETY/FY21-FY22 12/2021	(34,167.00)
BOARD OF EDUCATION 12/2021	(3,658,800.00)
DEPOSITS	8,673,561.70
CHECKS	(1,887,334.14)
VOIDED CHECK(S) #355358, 355701	1,456.58
BALANCE 12/07/2021	54,484,475.17

INVESTMENTS - CERTIFICATES OF DEPOSIT

<u>Certificate Date</u>	<u>Maturity Date</u>	<u>Yield</u>	<u>Amount</u>
PNC-MLGIP INVESTMENTS TOTAL		0.04%	20,500,000.00
BAYVANGUARD BANK			10,204,248.25
TOTAL INVESTED			<u>30,704,248.25</u>

PETTY CASH BALANCE	<u>12,175.00</u>
<u>GRAND TOTAL ALL FUNDS</u>	<u>85,200,898.42</u>

CASH STATEMENT 12/14/2021

BALANCE 12/07/2021	54,484,475.17
TOTAL ADP PAYROLL PPE 11/26/2021	(668,311.23)
PENSION DED PPE 11/26/2021	(40,679.08)
DEFERRED COMP DED PPE 11/26/2021	(18,910.88)
DEFERRED COMP PPE 11/26/2021 PLAN 401(A)	(6,816.86)
CIGNA CLAIMS PD THRU 12/6/2021	(4,439.33)
USDA/RD MTHLY BOND PYMT #97-08	(1,304.00)
PUBLIC IMPROVEMENT BONDS OF 2015	(1,895,950.00)
RETURNED CHECK #6071	(1,560.95)
DEPOSITS	2,921,461.22
CHECKS	(824,421.83)
VOIDED CHECK(S) #355617	25,131.81
BALANCE 12/14/2021	<u>53,968,674.04</u>

INVESTMENTS - CERTIFICATES OF DEPOSIT

<u>Certificate Date</u>	<u>Maturity Date</u>	<u>Yield</u>	<u>Amount</u>
PNC-MLGIP INVESTMENTS TOTAL		0.04%	20,500,000.00
BAYVANGUARD BANK			10,204,248.25
TOTAL INVESTED			<u>30,704,248.25</u>

PETTY CASH BALANCE	<u>12,175.00</u>
---------------------------	-------------------------

GRAND TOTAL ALL FUNDS

84,685,097.29



TALBOT COUNTY, MARYLAND

County Council

MINUTES

December 21, 2021

Present – President Chuck Callahan, Vice President Pete Leshner, Frank Divilio, Corey Pack, Laura Price, County Manager Clay Stamp, and County Attorney Patrick Thomas.

- I. Agenda – The Agenda of Tuesday, December 21, 2021 was brought forward for approval. Mr. Leshner made a motion to amend the agenda to remove *Item VI, Presentation and Request by Talbot County Board of Elections* at the presenter’s request; Mr. Divilio seconded the motion. The Council approved the Agenda of Tuesday, December 21, 2021, as amended, by voting 5 – 0 as follows:

Mr. Callahan – Aye
Mr. Divilio – Aye
Mr. Leshner – Aye
Ms. Price – Aye (via telephone)
Mr. Pack - Aye

- II. Minutes – Mr. Callahan requested and received unanimous consent for approval of the Minutes of November 23, 2021.
- III. Disbursements – Mr. Callahan requested and received unanimous consent for approval of the Disbursements of Tuesday, December 21, 2021.
- IV. Introduction of Dionne Church, New Election Director, Talbot County Board of Elections – Joe Secrist, President, Talbot County Board of Elections, introduced Ms. Dionne Church as the new Election Director for the Talbot County Board of Elections. Mr. Secrist stated that Ms. Church comes to Talbot County after having served as the Deputy Director at the Wicomico County Board of Elections. Council members welcomed Ms. Church to Talbot County.
- V. Presentation and Request by Talbot County Board of Elections – Lyndsey Ryan, Attorney, Talbot County Board of Elections – The item had been previously removed from the agenda at the request of the presenter.
- VI. Eligible for Vote:

Resolution No. 310, A RESOLUTION AUTHORIZING THE TRANSFER OF ANY INTEREST
TALBOT COUNTY, MARYLAND HOLDS IN FLOOD AVENUE TO THE TOWN OF EASTON AND

THE EXECUTION OF A QUITCLAIM DEED TO EFFECTUATE THE SAME was read into the record by the Clerk and brought forward for vote. Prior to the vote, Clay Stamp, County Manager, stated that after the December 14, 2021 Council meeting, Ray Clarke, County Engineer, meet with the Engineer for the Town of Easton regarding an issue related to possible flooding on Flood Avenue. He stated Mr. Clarke has confirmed that the issue has been resolved and the County is okay to proceed with approval of the resolution at this time. The Council approved Resolution No. 310 by voting 5 – 0 as follows:

Mr. Callahan – Aye
Mr. Divilio – Aye
Mr. Leshner – Aye
Ms. Price – Aye (via telephone)
Mr. Pack – Aye

Resolution No. 310 is effective immediately.

- VII. Discussion of Expiration of Deferment of Interest and Penalties on Sewer Bills – Joye Nagle, Talbot County Finance Director – Ms. Nagle introduced Tracy Smith, Tax Accountant, Talbot County Finance Office. She stated that sewer bills for the next quarter are scheduled to be sent out soon and is requesting direction from Council as to whether or not interest and penalties on delinquent sewer bills would continue to be waived. She stated that the Council had previously approved a waiver for the periods April 2020 to December 2020, January 2021 to June 2021, and July 2021 to December 31, 2021 for the purpose of assisting individuals and businesses who had experienced financial hardship during the pandemic. She provided statistical information on the number of delinquent accounts (200) in December 2019, prior to the pandemic, and since the waiver of interest and penalties began (143), stating that although the number of delinquent accounts has decreased, the outstanding balance has grown from \$97,000 to \$111,000; the total quarterly billing is approximately \$450,000. Ms. Nagle stated that it was her recommendation that the County not extend the deferral of interest and penalties. Council discussion ensued with Ms. Nagle who outlined the timeframe by which citizens could bring a delinquent account current prior to the 2022 tax sale, anticipated to be held in May 2022. Council discussion again ensued with Ms. Nagle and Mr. Smith. Mr. Divilio made a motion to end the deferment on the waiver of interest and penalties on sewer bills as of December 31, 2021; the motion was seconded by Mr. Pack. The Council voted to end the deferment as outlined in the motion by voting 5 – 0 as follows:

Mr. Callahan – Aye
Mr. Divilio – Aye
Mr. Leshner – Aye
Ms. Price – Aye (via telephone)
Mr. Pack – Aye

VIII. County Manager’s Report:

- A. Talbot County Weed Control Committee - Requested Council approval for the appointment of Michael Weaver to the Talbot County Weed Control Committee; said term will complete the unexpired term of Mr. Gordon Behrens and will expire on July 1, 2022. Upon motion by Mr. Pack, seconded by Mr. Divilio, the Council approved the appointment by voting 5 – 0 as follows:

Mr. Callahan – Aye
Mr. Divilio – Aye
Mr. Leshner – Aye
Ms. Price – Aye (via telephone)

Mr. Pack – Aye

- B. Board and Committee Volunteer Opportunities – Mr. Stamp stated that there are a number of opportunities for members of the public to serve on County boards and committees should they wish to do so. Those boards and committees which currently have vacancies may be found on the County’s website: www.talbotcountymd.gov under “County Council”.
- C. Request from Department of Public Works – Requested Council approval to have the Department of Public Works submit grant and loan applications to the Maryland Water Quality Financing Administration Water Quality Infrastructure Finance Program for seven (7) environmental projects which County Engineer, Ray Clarke, outlined as follows: (1) Replacement of The Preserve at Wye Mills Wastewater Treatment Plant ; (2) Replacement of the Martingham Water and Wastewater Emergency Generator; (3) Region I (Unionville, Tunis Mills, and Copperville) and Region II (Royal Oak, Newcomb and Bellevue) Force Main Pressure Sensors and Region II (Martingham) Vacuum Collection System Sensors; (4) Bar Neck and Fairbank Sewer Extension to 110 properties; (5) Region V (Tilghman) Sewer Collection System Inflow and Infiltration Improvements; (6) Region II (Unionville, Tunis Mills and Copperville) Replacement of E-1 Grinder Pumps; and (7) Design and Planning for Region V (Tilghman) Wastewater Treatment Plant Connection to the Region II (St. Michaels) Wastewater Treatment Plant. Council discussion ensued with Mr. Clarke as each proposed project was brought forward. Upon motion by Mr. Pack, seconded by Mr. Divilio, the Council approved submission of the grant and loan applications as outlined by voting 5 – 0 as follows:
- Mr. Callahan - Aye
Mr. Divilio – Aye
Mr. Leshner – Aye
Ms. Price – Aye (via telephone)
Mr. Pack – Aye
- E. Update on Talbot County Courthouse Fire – Mr. Stamp stated that on Sunday, December 19th at 11:45 a.m., 9-1-1 received an alarm for a fire in the Courthouse. He stated that Easton Volunteer Fire Department and several other fire companies responded to the fire on the first floor of the North Wing of the Courthouse. The fire, which was isolated to the Clerk of Court’s Office, burned a countertop and extended toward the ceiling but was extinguished when sprinkler heads activated causing approximately 10,000 gallons of water to be released, resulting in extensive water damage as well as smoke damage. Mr. Stamp stated that Royal Plus Disaster Kleenup responded within two hours with 15 vehicles, a tractor-trailer and 40 people who used specialized equipment to evacuate the water from the building, scrubbed the air and addressed moisture issues. Mr. Stamp stated that the company is working with the County and its insurance company and the State to get the Clerk of Court’s Office and the Register of Wills Office open again. He asked that in the interim, individuals who have business with those offices go their respective websites for up-to-date information. He expressed his appreciation to the State and County staff for cooperation.
- F. County Offices Closed – Mr. Stamp stated that County Offices will be closed on Thursday, December 23, 2021, Friday, December 24, 2021, and Friday, December 31, 2021. He wished everyone a happy holiday.

IX. Public Comments: There were no comments.

X. Council Comments:

Mr. Pack - Mr. Pack wished everyone a joyous, merry, and safe Christmas and New Year and asked that individuals stay safe as they meet with friends and family. He stated that he had an opportunity over the weekend to attend the funeral of Mr. Francis Wilson, a barber in Easton, and the uncle of Karen Roberts, a member of County staff, and Eddie Roberts, a Talbot County EMT. He stated that while listening to the service for Mr. Wilson he was reminded of all the things Mr. Wilson had done for the Talbot County community. He stated that Mr. Wilson was a 1957 graduate of Moton High School and at the age of 25 in 1963 opened his own barber shop on West Street; in 1977 at the age of 39, he purchased the building at 18 Glenwood Avenue in Easton, working as a barber for 55 years. He stated that Mr. Wilson also drove a school bus in Talbot County for 25 years. He stated that Mr. Wilson had trained a number of young men, including his nephew, Eddie Roberts, who also cut hair there for a number of years. Mr. Pack stated that, in his opinion, a haircut gives one confidence, whether a young man gets a haircut as he is going off to college or going down the aisle, a haircut is much more than just a haircut. He stated that, in his opinion, a barber is a counselor, tax advisor, etc., and the local barber shop is like a working man's country club, you see people from all walks of life, from postal carriers to truck drivers to politicians. Mr. Pack concluded his comments by stating that he just wanted to highlight Mr. Wilson's remarkable career and the many lives he touched along the way, including his own. He offered his condolences to Mr. Wilson's family.

Mr. Divilio - Mr. Divilio stated that as the Christmas season approaches, to him it means generosity of spirit, but noted it can be an emotionally difficult time for some individuals. He stated that, in his opinion, mental health has been a big concern over the past couple of years and during this time when individuals would usually go out, and grandparents would get together with parents and grandchildren but don't feel comfortable doing so, he asked everyone to try to think of ways the holiday season can be different but still enjoyed by all so there is no pressure on anyone who may not feel comfortable or safe doing some activities. He asked that everyone keep an eye and ear out for the neighbor that you may not see too often or does not get out too much, to give them a phone call or send them a card – it would mean a lot. He encouraged everyone to be generous and to think of others during this time of year, reminding everyone that technology is a challenge for some senior citizens so instead of trying to talk to them on FaceTime, he suggested picking up the phone and giving them a call.

Ms. Price - Ms. Price wished everyone a Merry Christmas, Happy Holidays and Happy New Year. She stated that she had the opportunity to meet with Governor Hogan as she and the president of the Maryland Municipal League (MML) presented the legislative initiatives from each of their organizations (MML and MACo). She stated that the Governor, in her opinion, was very receptive to hearing the matters that the organizations wants to put forth. She stated that the number one issue for both MML and MACo is the return of the Highway User Revenues to local jurisdictions, which Governor Hogan was very supportive of, even when he was initially running for governor. She stated that, in her opinion, she expects there will be strong support from the Governor on the issue. She stated that it had been an honor to sit with the Governor and her counterpart from MML for about an hour. Ms. Price concluded her comments by again wishing everyone Happy Holidays.

Mr. Leshner - Mr. Leshner extended his wishes to everyone for a safe and healthy holiday. He stated that as we hear more about cases of the Omicron variant of COVID-19, there are some high profile cases of vaccinated and boosted individuals with breakout cases, reminding everyone that the vaccines are not intended to prevent transmission of the disease, but are designed to save individuals from serious illness and death, and, in his opinion, they are working well to do just that. He stated that vaccines are available at the Talbot County Health Department's location on Marlboro Road and encouraged those who are not yet vaccinated or had a booster and are eligible, to schedule an appointment – the life you save may be your own.

Mr. Callahan – Mr. Callahan wished everyone a happy holiday and expressed his appreciation to the Council for their hard work and the hard decisions they had made over the past year. He expressed his appreciation to the County employees for all they do and stated that, in his opinion, there are situations where you see the true colors of people, commenting how blessed we are that everyone came together when we had a fire in the Courthouse building. He stated that there was one goal, to make it safe – and that's what we've done in the past few days. Mr. Callahan concluded his comments by expressing his appreciation to members of the public for coming to the Council meetings and providing their comments.

XI. Upon motion by Mr. Divilio, the Council voted to adjourn and to reconvene on Tuesday, January 4, 2022 at 3:30 p.m. in the Wye Oak Room at the Talbot County Community Center (10028 Ocean Gateway, Easton) for a work session to discuss the creation of a Police Accountability Board for Talbot County as required by recent State legislation; and at 5:30 p.m. for a Joint Dinner Meeting with the Talbot County Board of Education at 12 Magnolia Street, Easton; and to reconvene on Tuesday, January 11, 2022, at 3:30 p.m. in the Bradley Meeting Room in Open Session and immediately adjourn into Closed Session for discussion of legal, personnel and real estate matters as listed on the statement for closing the meeting, and at 6:00 p.m. for the meeting by voting 5– 0 as follows:

Mr. Callahan - Aye
Mr. Divilio – Aye
Mr. Leshner – Aye
Ms. Price – Aye (via telephone)
Mr. Pack – Aye

The meeting adjourned at 6:46 p.m.

The transcript of the December 21, 2021 County Council meeting is available for review in the Office of the Talbot County Manager during regular office hours.

XII. Summary of Closed Session Held on December 21, 2021:

1. Statement of the time, place, and purpose of the closed session:

Time of closed session: 5:00 p.m. to 5:55 p.m.
Place of closed session: County Council Office South Wing, Courthouse, 11 North Washington Street, Easton, MD
Purpose of the closed session: To consider various matters as set forth in the statement for closing the meeting

2. Record of the vote of each member as to closing the session:

Names of members voting aye: Callahan, Divilio, Leshner, Pack, Price
 Members opposed: None
 Abstaining: None
 Absent: None

3. Statutory authority to close session and listing of each topic actually discussed, persons present, and each action taken in the session:

Topic Description	Statutory Authority	Reason for Closed Session Discussion	Persons Present	Action Taken
To discuss appointments to various County boards and committees	GP § 3-305 (b) (1)(i)	Public discussion of specific appointees could discourage individuals from volunteering to serve on County boards and committees	Chuck Callahan, Frank Divilio, Pete Leshner, Corey Pack, Laura Price, Clay Stamp, Jessica Morris, Patrick Thomas	No action
Legal advice on code enforcement matter involving property in Easton	GP § 3-305 (b) (7)	Confidential attorney-client discussion regarding potential dispute resolution	Chuck Callahan, Frank Divilio, Pete Leshner, Corey Pack, Laura Price, Clay Stamp, Jessica Morris, Patrick Thomas	No action
Legal advice on potential litigation (Petition 21-02/Preserve Talbot History, Inc.)	GP § 3-305 (b) (7)(8)	Confidential attorney-client discussion regarding status of litigation	Chuck Callahan, Frank Divilio, Pete Leshner, Corey Pack, Laura Price, Clay Stamp, Jessica Morris, Patrick Thomas	Council directed County attorney to file motion to dismiss
To discuss possible acquisition of property in Easton for a public purpose	GP § 3-305 (b) (3)	To protect County's bargaining position regarding the potential acquisition of a specific parcel of real property for a public purpose	Chuck Callahan, Frank Divilio, Pete Leshner, Corey Pack, Laura Price, Clay Stamp, Jessica Morris, Patrick Thomas	Council directed staff to prepare a Request for Proposals

BALANCE 12/14/2021	53,968,674.04
STATE REPORT NOVEMBER 2021	(180,167.20)
CIGNA CLAIMS PD THRU 12/13/2021	(122,508.71)
SANITARY PAYMENTS FOR TALBOT COUNTY OWNED PROPERTIES	(627.75)
WF/FG EQUIP LEASE PYMT	(4,092.00)
USDA/RD QTRLY BOND PYMT #92-11	(60,886.00)
USDA/RD QTRLY BOND PYMT #92-09	(26,240.00)
INTEREST ON ACCOUNTS 11/2021	3,753.89
DEPOSITS	1,534,139.83
CHECKS	(449,423.05)
VOIDED CHECK(S)	
BALANCE 12/21/2021	54,662,623.05

INVESTMENTS - CERTIFICATES OF DEPOSIT

<u>Certificate Date</u>	<u>Maturity Date</u>	<u>Yield</u>	<u>Amount</u>
PNC-MLGIP INVESTMENTS TOTAL		0.04%	20,500,000.00
BAYVANGUARD BANK			10,204,248.25
TOTAL INVESTED			<u>30,704,248.25</u>
PETTY CASH BALANCE			<u>12,175.00</u>
<u>GRAND TOTAL ALL FUNDS</u>			<u>85,379,046.30</u>