



TALBOT COUNTY, MARYLAND

County Council

MINUTES

October 18, 2022

SPECIAL LEGISLATIVE DAY

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

- I. Agenda – Mr. Callahan requested and received unanimous consent for approval of the Agenda of Tuesday, October 18, 2022.
- II. Disbursements – Mr. Callahan requested and received unanimous consent for approval of the Disbursements of Tuesday, October 18, 2022.
- III. County Manager’s Report:
 - A. Talbot County Local Drug and Alcohol Abuse Committee – Requested Council approval for the appointment of Mary Lou Butler to the Talbot County Local Drug and Alcohol Abuse Committee as a representative of the Talbot County Health Department; said term will expire on July 1, 2024. Upon motion by Mr. Divilio, seconded by Mr. Leshner, the Council approved the appointment by voting 4 – 0 as follows:

Mr. Callahan – Aye
Mr. Divilio – Aye
Mr. Leshner – Aye
Ms. Price - Aye
 - B. Bid No. 20-13, TALBOT COUNTY REGION II (ST. MICHAELS) WASTEWATER TREATMENT PLANT SLUDGE MANAGEMENT IMPROVEMENTS, BELT FILTER PRESS REPLACEMENT – ST. MICHAELS – TALBOT COUNTY, MARYLAND (Change Order Nos. 2 and 3) – Requested Council approval of the County Engineer’s recommendation to award Change Order Nos. 2 and 3 for Bid No. 20-13 to the current contractor, M2 Construction. Mr. Stamp stated that Change Order No. 2 is a no-cost change order but does increase the contract time by 60 days; Change Order No. 3 includes additional water piping, pump modifications and additional electrical work related to the modifications at a cost of \$62,496.10 and will increase the total cost of the project to \$628,762.10, which is \$28,762.10 over the \$600,000 amount for the capital project; the additional cost will be charged to the Repair and Maintenance line items for Region II and Region I Sanitary Districts. Council discussion ensued with County Engineer, Ray Clarke regarding the specifics of the request. Upon motion by Mr. Leshner, seconded by Mr. Divilio, the Council approved the Change Orders as presented by voting 4 – 0 as follows:

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

- C. Bid No. 22-11, REQUEST FOR PROPOSALS – REGION II (ST. MICHAELS) SEWER SYSTEM SEWER EXTENSION (RESOLUTION NO. 235) – PHASE I – REPLACEMENT OF ROYAL OAK PUMP STATION NO. 1 – Requested Council’s approval of the County Engineer’s recommendation to reject all four (4) proposals submitted for Bid No. 22-11 and to rebid the project. Mr. Stamp stated that questions had been received related to the SCADA (Supervisory Control Data and Acquisition) System; landline/communications at the pump station and Minority-owned Business Enterprises and Women-owned Business Enterprises (MBE –WBE) requirements. County Engineer, Ray Clarke, outlined the specifics of each. Mr. Clarke then outlined the schedule for rebidding the project and bid opening date, should Council approve rejecting the bids; An addendum, Addendum No. 3, will be issued to clarify the questions raised. Upon motion by Mr. Divilio, seconded by Mr. Leshner, the Council approved rejecting the submittals received for Bid No. 22-11 and to rebid the project as outlined by Mr. Clarke, by voting 4 – 0 as follows:

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

- IV. Public Comments: There were no public comments.
- V. The Council meeting recessed at 6:18 p.m. and reconvened at 6:32 p.m.
- VI. Public Hearings:

Resolution No. 337, A RESOLUTION APPROVING THE SALE OF TWO CONTIGUOUS AND ADJACENT PARCELS OF UNIMPROVED REAL PROPERTY: 1) HAVING AN ADDRESS OF 112 S. MAIN STREET, TRAPPE, MARYLAND AND FURTHER DESCRIBED AS TAX MAP 301, PARCEL 1745, CONSISTING OF 4.318 ACRES OF LAND, MORE OR LESS; AND 2) HAVING AN ADDRESS OF MAIN STREET, TRAPPE, MARYLAND AND FURTHER DESCRIBED AS TAX MAP 301, PARCEL 1751, TO THE TOWN OF TRAPPE, A MARYLAND MUNICIPAL CORPORATION, FOR THE SUM OF ONE DOLLAR, SUBJECT TO CERTAIN CONDITIONS, was read into the record by the Clerk and brought forward for public hearing. Prior to the public hearing, County Attorney, Patrick Thomas, stated that the resolution was drafted following receipt of a letter from Lyndsey Ryan, attorney for the Town of Trappe, requesting Council’s consideration to transfer two (2) parcels owned by the County in the Town of Trappe to the Town for the sum of \$1.00, upon the condition that the Town take over the park and keep it in good condition for use by the general public through 2028. He stated that the parcels are currently being used as a park. Members of the public and representatives of the Town of Trappe were afforded an opportunity to comment on the legislation; Council discussion ensued with the Town representatives. Written comments on Resolution No. 337 will be accepted until Friday, October 21, 2022. Resolution No. 337 is eligible for vote on Tuesday, October 25, 2022.

Bill No. 1526, AN EMERGENCY BILL TO AUTHORIZE A CAPITAL PROJECT FOR THE REMOVAL AND REPLACEMENT OF THE ICE RINK FLOOR AT THE TALBOT COUNTY COMMUNITY CENTER AND TO AUTHORIZE AN INTER-PROJECT TRANSFER OF \$950,000

FROM THE APPROPRIATION APPROVED BY BILL NO. 1171 FOR THE EXTENSION OF WATER AND SEWER LINES TO THE TALBOT COMMUNITY CENTER TO THE CAPITAL PROJECT AUTHORIZED HEREUNDER, was read into the record by the Clerk and brought forward for public hearing. Prior to the public hearing, Preston Peper, Director, Talbot County Department of Parks and Recreation, outlined the scope of work previously approved by the Council to mitigate the cooling issues by installing a chill mat at a cost of \$55,000 so that the ice rink could be utilized during the 2022-2023 season and be replaced prior to next year's ice season. Mr. Peper stated that during installation of the mat, it was determined that the floor had completely failed and is now recommended to be replaced; the floor is more than 40 years old and has 11 miles of piping underneath the concrete floor. Council discussion ensued with Mr. Peper. Members of the public were then afforded an opportunity to comment on the legislation. Upon motion by Mr. Divilio, seconded by Ms. Price, Bill No. 1526 was brought to third reader with the Council voting 4 – 0 as follows:

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

Upon motion by Ms. Price, and unanimous consent of the Council, a full reading of the legislation was waived. The Council approved Bill No. 1526 by voting 5 – 0 as follows:

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

Bill No. 1526 becomes effective as provided for in the legislation.

VII. County Manager's Report Continued:

D. Request from Department of Parks and Recreation – Requested Council approval of the Department of Parks and Recreation Director's recommendation to award a contract to American Arena, LLC in the sum of \$946,800 for replacement of the ice rink floor at the Talbot County Community Center; replacement of the ice rink floor is anticipated to be substantially completed within 90 days. Mr. Stamp stated that American Arena is currently under contract with Talbot County for replacement of the ice plant at the Community Center (Bid No. 21-11). Upon motion by Mr. Divilio, seconded by Ms. Price, the Council approved the request by voting 4 – 0 as follows:

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

VIII. Council Comments:

Ms. Price – Ms. Price stated that she and Maryland Association of Counties (MACo) Executive Director, Michael Sanderson, had visited all 24 jurisdictions in Maryland either in person or virtually. She then outlined the four MACo legislative initiatives for the 2023 General Assembly as follows: 1. Centralized

Resource for Body-worn Camera Footage (storage and redaction) – Ms. Price stated that many of the 157 municipalities in the state of Maryland do not have the resources to dedicate to the storage and redaction processes and that MACo will be recommending that centralization be done at the State level and allow municipalities to opt in; 2. Adult Use Cannabis – Ms. Price stated that although MACo is not taking a position on the matter which will be on the ballot in November, polls indicate that approximately 70 percent of Marylanders are in favor of its passage. She stated that a portion of the revenue generated by sales will be used by the State for schools; MACo wants to ensure that local jurisdictions receive a portion of the revenue generated by the State or receive their own percentage to assist with treatment of those who may overindulge. She stated that the most important thing MACo stands for is local autonomy and there may be some jurisdictions who may wish to opt out as they may not want a grower or distribution center in their county; 3. Volunteer Fire Department Recruitment and Retention – Prior to outlining the MACo initiative, Ms. Price stated that Talbot County has increased the funding it provides to the local volunteer fire departments. She stated MACo will be advocating for a broad stakeholder driven effort to study and recommend best practices for recruitment and retention of volunteer firefighters and evaluation of options to modernize support for their frontline services. She stated that MACo needs to ensure that paid firefighters are on board with the proposal prior to doing a study, so that all the players are at the table. She stated that MACo's goal is to have the Legislature agree to have a study conducted then bring all parties back to the table next year; and 4. Blueprint for Maryland's Future, a/k/a Kirwan (a 10-year multi-billion dollar educational investment) – Ms. Price stated that the phase-in of Kirwan has advanced and, in MACo's opinion, there needs to be transparency in the reporting of sources, uses, and outcomes for educational investments. She then read a statement into the record as follows: *Federal relief and rescue funding has compounded the concern for "black box" spending without public clarity.* She stated that once we have approved a school budget in the 13 categories, and additional funds go into the schools' budgets for various things, we don't really know a lot of where the funding goes. Ms. Price spoke of the Accountability and Implementation Board, a transparency board to make sure there is oversight, and the new budget tracking software now available for school systems. She stated that it is MACo's opinion that counties should have the same level of insight that the State will have to ensure that they are fulfilling their fiduciary duties as funding authorities and partners in school success – we want them to provide the same information to us that any other department does. Ms. Price concluded her comments by stating that the MACo legislative initiatives subcommittee began with 35 initiatives which were reduced to ten then to four. She stated that she was proud of the work of the legislative initiatives subcommittee which will be distributing the initiatives to legislators in Annapolis. She stated that, in her opinion, it is important that elected officials in every county know that they can contact their individual delegations to obtain support for these four initiatives, as well as other legislation on which MACo takes a position.

Mr. Divilio – Mr. Divilio expressed appreciation to his colleagues for moving forward with legislation to replace the ice rink floor. He stated that, in his opinion, it has been an extremely emotional issue for the community. He stated that there are a lot of kids who recreationally use the ice rink and that the Friday night skate is a big

event. He stated that the Council often hears that there needs to be more activities for kids, and the Friday night skate is a big one. Mr. Divilio stated that he regrets that the kids are currently missing being able to skate at the present time, and, as the Council liaison to the Parks and Recreation Advisory Board, he accepts responsibility. Mr. Divilio stated that he has really enjoyed his term on the Council and that, in his opinion, it is extremely challenging work because there are approximately 40,000 people in the county and everyone is different, and although the Council does not always agree, they work well together. He stated that the Council members all bring a different perspective, live in different parts of the county and have different activities and backgrounds, and, in his opinion, should not completely agree on everything – but we do get along, and he appreciates that. Mr. Divilio concluded his comments by apologizing for letting his emotions get the better of him at times, but at the end of the day, I do appreciate working with all of you.

Mr. Leshner – No comments.

Mr. Callahan - Mr. Callahan expressed his appreciation to Ms. Price for all her hard work with MACo over the past year as she has been travelling throughout Maryland, bringing information back to the Council, and writing articles week after week. He expressed his appreciation to Mr. Divilio for his service on the Parks & Recreation Advisory Board, stating that, he served on the Board for four years and there was always something that needed to be repaired. Mr. Callahan stated that he was proud of the Council for the action it took regarding the ice rink – it took a team and we did it. He expressed his appreciation to County staff for their assistance with the ice rink floor replacement project. Mr. Callahan concluded his comments by stating that the County signed a contract earlier today and is now the owner of a new public safety complex which will house the Sheriff's Department.

VIII. Upon motion by Mr. Divilio seconded by Ms. Price, the Council voted to adjourn and to reconvene on Tuesday, October 25, 2022, at 4:30 p.m. in Open Session and to 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 regularly scheduled meeting by voting 4 - 0 as follows:

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

The meeting adjourned at 7:23 p.m.

The transcript of the October 18, 2022 County Council meeting is available for review in the Office of the Talbot County Manager during regular office hours.

IX. Summary of Closed Session Held on October 18, 2022:

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

Time of closed session: 5:20 p.m. to 5:45 p.m.
Place of closed session: County Council Office

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, Price

Members opposed: None

Abstaining: None

Absent: Pack

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 appointment to various County boards and committees	GP § 3-305(b)(1)(i)	Public discussion would discourage individuals from volunteering to serve	Chuck Callahan, Frank Divilio, Pete Leshner, Laura Price, Clay Stamp, Jessica Morris	No action
To discuss personnel matter in Administrative Services	GP § 3-305(b)(1)(i)	Discussion involves specific individual	Chuck Callahan, Frank Divilio, Pete Leshner, Laura Price, Clay Stamp, Jessica Morris	No action

CASH STATEMENT 10/18/2022

BALANCE 10/11/2022	67,783,347.60
TOTAL ADP PAYROLL PPE 9/30/2022	(741,249.41)
PENSION DED PPE 9/30/2022	(44,798.44)
DEFERRED COMP DED PPE 9/30/2022	(20,212.66)
DEFERRED COMP PPE 9/30/2022 PLAN 401(A)	(8,315.55)
TOTAL ADP MONTHLY PAYROLL PPE 9/30/2022	(16,118.78)
DEFERRED COMP DED PPE 9/30/2022	(990.00)
PENSION DED PPE 9/30/2022	(809.95)

CIGNA CLAIMS PAID THRU 10/11/2022	(48,584.96)
WELLS FARGO GOLF EQUIPMENT LEASE PYMT 10/2022	(4,092.00)
RETURNED CHECK #144	(880.71)
RETURNED CHECK FEE(S)	(24.00)
FHN FINANCIAL/PUB IMP BONDS OF 2022	24,896,633.71
DEPOSITS	2,170,515.96
CHECKS	(1,580,790.37)
ACH DISBURSEMENT(S)	(26,796.02)
WIRE TRANSFERS	(9,000.00)
VOIDED CHECK(S) #358889, 360937, 361757	1,298.61
BALANCE 10/18/2022	<u>92,349,133.03</u>

INVESTMENTS - CERTIFICATES OF DEPOSIT

<u>Certificate Date</u>	<u>Maturity Date</u>	<u>Yield</u>	<u>Amount</u>
PNC-MLGIP INVESTMENTS TOTAL		2.98%	20,500,000.00
BAYVANGUARD BANK			10,247,111.71
TOTAL INVESTED			<u>30,747,111.71</u>
PETTY CASH BALANCE			<u>12,605.00</u>
<u>GRAND TOTAL ALL FUNDS</u>			<u>123,108,849.74</u>