



TALBOT COUNTY, MARYLAND

County Council

MINUTES *SPECIAL LEGISLATIVE DAY*

December 18, 2018

Present – President Corey W. Pack, Vice President Chuck F. Callahan, Frank Divilio, Pete Leshner, Laura E. Price, County Manager R. Andrew Hollis, County Attorney Anthony Kupersmith and Assistant County Attorney Mary O'Donnell.

- I. Agenda – The Agenda of Tuesday, December 18, 2018 was brought forward for approval. Mr. Leshner requested to amend the agenda to offer a resolution regarding an option to lease unimproved land at Easton Airport for T-Mobile; there was no objection. Mr. Pack then requested and received Council's unanimous consent for approval of the Agenda of Tuesday, December 18, 2018, as amended.
- II. Disbursements – Mr. Pack requested and received Council's unanimous consent for approval of the Disbursements of Tuesday, December 18, 2018.
- III. Introduction of Administrative Resolution:

AN ADMINISTRATIVE RESOLUTION OF THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND TO CONFIRM THE DELEGATION TO THE COUNTY MANAGER OF THE AUTHORITY TO DECLARE OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES WITH PROCEEDS OF DEBT ISSUED BY TALBOT COUNTY, MARYLAND was read into the record by the Clerk and brought forward for introduction. Finance Director, Angela Lane, stated that the proposed administrative resolution would update an existing administrative resolution which authorizes the County Manager to sign forms used by the County for long-term borrowing. Ms. Lane stated that the forms make reference to the current tax code so that the County can sell its bonds on a tax exempt basis to keep the County in compliance with IRS regulations. She stated that the forms are routinely referenced by bond counsel when providing an opinion that the County's bonds are tax exempt. Upon motion by Mr. Callahan, seconded by Ms. Price, the Council approved the administrative resolution by voting 5 - 0 as follows:

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

The Administrative Resolution is effective immediately.

- IV. Introduction of Numbered Resolution:

A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN TO RECLASSIFY AND REMAP REAL PROPERTY LOCATED AT 26256 MILES VIEW ROAD, EASTON, MARYLAND 21601, DESCRIBED AS TAX MAP 33, PARCEL 139, LOTS 1, 1A, 1B, 1C, 2A, 2B, 2C, 3A, AND 3B, KNOWN AS THE MILESVIEW VILLAGE

CONDOMINIUM, FROM UNPROGRAMMED TO “S-1” IMMEDIATE PRIORITY STATUS, was read into the record by the Clerk and brought forward for introduction. Prior to introduction, Ray Clarke, County Engineer, and Anne Morse, Director, Talbot County Office of Environmental Health, briefed the Council on the history of septic systems on the property since it was constructed in the 1950s and condominiumized in the 1970s. Mr. Clarke stated that his office was contacted in mid-2018 by a contractor at the location who advised that the septic system had failed; the Office of Environmental Health subsequently reviewed the matter and determined that no alternatives were available other than the extension of sewer. Council discussion ensued with Mr. Clarke and Ms. Morse. Mr. Clarke stated that if Council approves the proposed amendment to the Comprehensive Water and Sewer Plan, and the amendment is then approved by the Maryland Department of the Environment, the County can move forward with an application for funding through the Bay Restoration Fund to assist the homeowners with the cost for extension of sewer. Council discussion again ensued. The resolution was introduced by Mr. Callahan, Mr. Divilio, Mr. Pack, and Ms. Price as Resolution No. 268. A public hearing was scheduled for Tuesday, January 8, 2018 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601. The Planning Commission and the Public Works Advisory Board will review Resolution No. 268 at their regularly-scheduled meeting on Wednesday, January 2, 2019 and then forward their recommendations to the Council.

V. Introduction of Numbered Resolution:

A RESOLUTION TO APPROVE EXECUTION OF AN OPTION TO LEASE, AS WELL AS THE TERMS OF A LONG-TERM LEASE OF, CERTAIN UNIMPROVED LAND LOCATED ADJACENT TO THE EXISTING CELLULAR TOWER ON CORKRAN ROAD AT THE EASTON AIRPORT TO T-MOBILE NORTHEAST, LLC; THE LAND TO BE LEASED CONSISTING OF TWO HUNDRED EIGHT (208) SQUARE FEET; THE TERM OF THE OPTION BEING ONE-YEAR IN EXCHANGE FOR THE NON-REFUNDABLE SUM OF ONE THOUSAND DOLLARS (\$1,000.00); AND, THE TERM OF THE LEASE BEING FIVE (5) YEARS WITH RENT OF ONE THOUSAND DOLLARS (\$1,000.00) PER MONTH, SUBJECT TO A THREE PERCENT (3%) ANNUAL ESCALATOR, AND THE RIGHT TO RENEW SAID LEASE FOR FIVE (5) SUCCESSIVE RENEWAL TERMS OF FIVE (5) YEARS EACH, was read into the record by the Clerk and brought forward for introduction. Prior to introduction, Micah Risher, Manager, Easton Airport, stated that the purpose of the resolution is to enter into a lease with T-Mobile for the placement of an antenna on the cell tower at the Airport currently owned by Verizon. He stated that the additional antenna will bring expanded services to citizens of the county and provide a revenue stream to the Airport. The resolution was introduced by Mr. Callahan, Mr. Divilio, Mr. Lesher, Mr. Pack, and Ms. Price as Resolution No. 269. A public hearing was scheduled for Tuesday, January 8, 2019 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

VI. County Manager’s Report:

- A. Bid No. 15-23, TALBOT COUNTY ST. MICHAELS PHASE V SANITARY SEWER SYSTEM REPLACEMENT/REHABILITATION AND GRACE STREET PUMP STATION REPLACEMENT ENGINEERING SERVICES – Requested Council approval of amendment No. 8 to Bid No. 15-23 in the sum of \$48,500; said amendment will provide for a system-wide analysis of sewer flow infiltration and inflow of the Region II sewer shed. Mr. Hollis stated that funding for the analysis is available through the USDA grant for the Phase V project. Council discussion ensued with Ray Clarke, County Engineer. Upon motion by Ms. Price, seconded by Mr. Callahan, the Council approved amendment No. 8 by voting 5 – 0 as follows:

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

- A. Bid No. 17-09, ST. MICHAELS PUMPING STATION #3 UPGRADE/REHABILITATION – TALBOT COUNTY, MARYLAND – Change Order No. 7 - Requested Council approval to award Change Order No. 7 for Bid No. 17-09 in the sum of \$43,630 to the current contractor, Schummer, Inc. for repairing and repaving of Thompson Street in St. Michaels; funding for the change order is available for USDA grant funding for the project. Upon motion by Mr. Callahan, seconded by Ms. Price, the Council approved the change order by voting 5 – 0 as follows:

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

- B. Request from Tilghman Volunteer Fire Company for Emergency Dredging of Tongers Basin – Requested Council approval to award the contract for emergency dredging of silt from Tongers Basin to the low bidder, Edwin A. and John O’Crandell in the sum of \$26,880. The purpose of the emergency dredging is so that the Tilghman Volunteer Fire Company will be able to get their fireboat in and out of its slip as necessary. Council commended County Engineer, Ray Clarke, for coordinating efforts to get the project completed as soon as possible. Council discussion ensued with Mr. Clarke. Upon motion by Mr. Callahan, seconded by Ms. Price, the Council approved the request by voting 5 – 0 as follows:

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

The Council meeting recessed at 6:42 p.m. for Closed Session.

The Council meeting reconvened at 6:45 p.m.

- C. Request from Delmarva Community Services/Delmarva Community Transit– Requested Council approval of a request from Delmarva Community Services/Delmarva Community Transit for an advancement of their first quarter funds in the sum of \$270,000. Mr. Hollis stated that the funds are paid by the State of Maryland Transportation Administration to Talbot County; however, the State is late in providing funding to the County and Delmarva Community Services is requesting the advance in order to assist in their ability to continue operations; funding for the temporary advance will come from the General Fund. Council discussion ensued with Mr. Hollis and Ms. Lane. Upon motion by Mr. Leshler, seconded by Mr. Callahan, the Council approved the request by voting 5 – 0 as follows:

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

D. Council Assignments as Representatives to Boards and Committees – Mr. Hollis stated that Council members will serve as liaisons to the following boards and committees:

Airport Board -	Laura Price
Affordable and Workforce Housing Commission -	Corey Pack
Board of Education Liaison -	Pete Leshler
Commission on the Aging -	Frank Divilio
Economic Development Commission -	Chuck Callahan
Emergency Services Advisory Board -	Corey Pack
Golf Board -	Chuck Callahan
Library Board -	Pete Leshler
Local Emergency Planning Committee -	Chuck Callahan
Maryland Association of Counties Legislative Committee -	Laura Price – Primary Corey Pack – Alternate
Mid-Shore Regional Council -	Chuck Callahan/Frank Divilio
Neighborhood Service Center Board of Directors -	Corey Pack
Parks & Recreation Advisory Board -	Frank Divilio
Social Services Board of Directors -	Corey Pack
Talbot Arts Council -	Pete Leshler
Talbot County Chamber of Commerce Government and Regulatory Meeting Representative	Frank Divilio
Talbot Family Network Board of Directors -	Corey Pack
Tourism Board -	Laura Price
Upper Shore Aging Board of Directors -	Andy Hollis
Weed Control Committee -	Frank Divilio

Upon motion by Mr. Divilio, seconded by Mr. Callahan, the Council approved the Council board and committee assignments by voting 5 – 0 as follows:

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

E. County Offices Closed – Mr. Hollis stated that County offices will be closed on Monday, December 24, 2018 and Tuesday, December 25, 2018 for the Christmas holiday, and on Tuesday, January 1, 2019 for the New Year’s Day holiday.

VII. Short Term Rental Review Board - Mr. Pack stated that the Council has selected the following individuals to serve on the Short Term Rental Review Board: Tammy Broll, Scott Kane, David McQuay and Martha Suss. He stated that the position of attorney on the Board will be re-advertised.

Upon motion by Mr. Callahan, seconded by Mr. Leshner, the Council approved the names as stated by voting 5 – 0 as follows:

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

VIII. Talbot County Planning Commission – Mr. Pack stated that the Council has selected the following individuals for interviews for the Planning Commission vacancy: Lawrence Davis, James Edward Heikes, Sr., Zak Krebeck, and Michael Strannahan. Upon motion by Mr. Divilio, seconded by Mr. Callahan, the Council approved moving forward with interviewing the four individuals as named by voting 5 – 0 as follows:

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

IX. Council Comments:

Mr. Leshner - Mr. Leshner wished everyone a Merry Christmas and Happy New Year.

Ms. Price - Ms. Price concurred with Mr. Leshner's comments and wished everyone a Merry Christmas and Happy New Year.

Mr. DiVilio- Mr. Divilio extended his appreciation to the individuals who had contacted him regarding recommendations on the appointments just made. He concurred with the comments of Mr. Leshner and Ms. Price in wishing everyone a Merry Christmas and Happy New Year.

Mr. Callahan Mr. Callahan echoed the sentiments of his colleagues by wishing everyone a Merry Christmas and Happy New Year. He encouraged everyone to hug their family members and to tell them you love them because, in his opinion, you don't know how much you miss someone until they are gone.

Mr. Pack - Mr. Pack concurred with Mr. Callahan's statements. He offered his congratulations to Harold Baines of St. Michaels for having recently been inducted into the Baseball Hall of Fame. He stated that the Council will be contacting Mr. Baines regarding his availability to attend an upcoming Council meeting so the Council can publicly congratulate him and present him with a certificate of recognition for his accomplishments. Mr. Pack stated that, in his opinion, Mr. Baines is a humble and great guy who is a gentleman, and the award could not have happened to a better quality baseball player. Mr. Pack echoed the sentiments of his colleagues in wishing everyone a Merry Christmas and Happy New Year and encouraged those who were traveling to be safe.

Upon motion by Mr. Callahan, seconded by Mr. Divilio, the Council voted to adjourn and to reconvene in Closed Session for discussion of a legal matter for legal advice regarding an interagency memoranda related to civil forfeitures and for a personnel matter to discuss retention of outside counsel for the Ethics Commission; to reconvene on Wednesday, December 19, 2018 at 4:00 p.m. in the Bradley Meeting Room for the annual meeting with the local delegation, and to reconvene on Tuesday, January 8, 2019 at 4:30 p.m. 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 regularly scheduled meeting by voting 5 – 0 as follows:

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

The Council will be attending the Maryland Association of Counties Winter Conference at the Hyatt in Cambridge on Wednesday, January 2, 2019 through Friday, January 4, 2019.

The meeting adjourned at 7:03 p.m.

The transcript of the December 18, 2018 County Council meeting is available for review in the Office of the Talbot County Manager during regular office hours.

- XI. On Tuesday, December 18, 2018, a Closed Session of the Talbot County Council convened at 4:35 p.m. in the County Council Conference Room. Upon motion by Mr. Callahan, seconded by Mr. Leshler, the Council met in Closed Session by voting 5 – 0 as follows:

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

In accordance with General Provisions Article § 3-305(b)(1)(i)(3)(4)(7) the purpose of the Closed Session was for Legal matters for legal advice regarding attorney-client privilege and for legal advice regarding inter-agency memoranda related to civil forfeitures; for Personnel matters to discuss appointments to various County boards and committees, namely Planning Commission and the Short Term Rental Review Board; to discuss assigning individual County Council members as representatives to various boards, commissions, and organizations for the 2018-2022 term; for discussion of delinquent health insurance premiums for retired employee; and for discussion of retention of outside legal counsel for Ethics Commission; and for Business Expansion to discuss proposal for potential business expansion in Talbot County for an aquafarming facility, public discussion of which would undermine the potential expansion. The Closed Session recessed at 6:00 p.m.; reconvened at 6:42 p.m.; recessed at 6:45 p.m.; and reconvened at 7:00 pm. The Closed Session ended at 7:35 p.m.

- XII. Annual Meeting with Local Delegation to Discuss Upcoming Legislative Session – The Council met with Senator Adelaide Eckardt, Delegate Johnny Mautz, and Delegate Christopher Adams on Wednesday, December 19, 2018 at 4:00 p.m. in the Bradley Meeting Room. The Council requested the delegation’s support for the following Maryland Association of Counties (MACo) 2019 Legislative Initiatives: Continuing State Commitment to Education, specifically, the impact of Kirwan Commission to counties;

Re-prioritizing of public health; Repeal of “implied preemption” court doctrine; and Next Generation 9-1-1 implementation. The Council also requested the delegation’s support for: Reinstatement of Highway User Revenue funds; Allocation of capital funding through the State Highway Administration (SHA) for road construction replacement (roads and culverts) or rehabilitation for each county; Rural Maryland road widening and environmental easement program (allocation of funding for securing road widening and environmental easements; and need for additional grant funding for sewer extensions, especially in rural areas with support for a broadband delivery strategy in rural areas; Request for approval to use Bay Restoration Funding (BRF) for preliminary Engineering Reports (PER)/Engineering Report(ER)s. Other matters brought forward included (1) Request for Support of Governor’s Office of Rural Broadband efforts to support local initiatives; (2) Discussion of State taxes on aircraft parts and maintenance (Maryland is the only state on the east coast which has same); (3) Impact of Maryland Department of Natural Resources’ changes to the airport deer removal program; (4) Discussion of working with Maryland Department of Natural Resources regarding enforcement of removal of abandoned vessels; (5) Discussion of impact of proposed legislation regarding restrictive housing at Department of Corrections and impact to facility operations; (6) Merger of Governor’s Office for Children with Governor’s Office of Crime, Control and Prevention to be known as Division of Prevention for Children and Youth and the merger’s possible effects on Talbot Family Network; (7) Creation of alternate position on Talbot County Board of Liquor License Commissioners; (8) Revision of Section 30-2005 Alcoholic Beverages Ordinance – (a)(1) which prohibits the sale of alcoholic beverages on Election Day, with the exception of what is provided in paragraph (2) – that a “restaurant owner may exercise the privileges conferred by the license for on-premises consumption on the day of an election;” (9) Impact of Maryland Senate Bill 1006, Sea Level Rise Inundation and Coastal Flooding – Construction, Adaptation, *and* Mitigation – deadline for implementation and explicit guidance from the State; and (10) Hog Neck Golf Course signage on Rt. 50. Council discussion ensued with members of the local delegation as each matter was brought forward. The meeting ended at 5:45 p.m.

CASH STATEMENT 12/18/2018

BALANCE 12/11/2018	\$17,079,372.75
TOTAL ADP PAYROLL PPE 11/30/2018	(605,302.72)
TOTAL ADP MONTHLY PAYROLL PPE 11/30/2018	(17,002.68)
2018 EMPLOYEE HOLIDAY BONUS CHECKS	(86,875.32)
DEFERRED COMP DED PPE 11/30/2018	(15,854.04)
PENSION DED PPE 11/30/2018	(36,850.70)
SECU DED PPE 11/30/2018	(3,380.19)
DEFERRED COMP PPE 11/30/2018 PLAN 401(A)	(4,739.44)
FLEX SPENDING BENEFITS (MONTHLY P/R) PPE 11/30/2018	(283.33)
FLEX SPENDING BENEFITS PPE 11/30/2018	(3,364.00)
ELECTION BOARD PPE 11/20/2018	(3,142.51)
STATE REPORT 11/2018	(132,298.31)
CIGNA CLAIMS THRU 12/10/2018	(59,515.10)
PUBLIC IMPROVEMENT REFUND BOND 2015	(1,894,225.00)
INTEREST ON ACCOUNTS 11/2018	(21,787.02)
BANK CHARGES 11/2018	(1,404.60)
DEPOSITS	1,939,907.52
CHECKS	(519,251.75)

BALANCE 12/18/2018

16,657,577.70

AIRPORT ACCOUNTS

AIP42

0.00

AIRPORT ACCOUNTS TOTAL BALANCE

0.00

INVESTMENTS – CERTIFICATES OF DEPOSIT

<u>CERTIFICATE DATE</u>	<u>MATURITY DATE</u>	<u>RATE</u>	<u>AMOUNT</u>
PNC-MLGIP INVESTMENTS TOTAL		2.27%	28,000,000.00
1880 BANK			10,057,231.22

TOTAL INVESTED

\$38,057,231.22

PETTY CASH BALANCE

\$15,570.00

GRAND TOTAL ALL FUNDS

\$ 53,730,378.92