



TALBOT COUNTY, MARYLAND

County Council

MINUTES

Monday, March 4, 2019

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 – Mr. Pack requested and received Council’s unanimous consent for approval of the Agenda of Monday, March 4, 2019.
- II. Presentation by Dr. Matt Gray, Horn Point Laboratory regarding NOAA grant application, 2019 Ecological Effects of Sea Level Rise Program – Dr. Gray presented information on the projected rise in sea level of 3.7 feet by the year 2100 which, if it comes to fruition, will threaten the infrastructure of coastal communities. Dr. Gray outlined a proposed project by Horn Point Laboratory to study the benefits of installing oyster “castles” instead of the currently more widely used “hardened” materials for shorelines and tributaries as a first line of defense against “breakwaters”. He stated that the oyster castles not only integrate into the existing infrastructure but create self-repairing reefs which serve to lessen the effect of “breakwaters” on shorelines which cause erosion as sea levels rise. He outlined the objectives of the study which include forecasting and validating the effectiveness of various models. He stated that 20 breakwater locations have been identified in Harris Creek and the Tred Avon which are also sanctuaries. Council discussion with Dr. Gray ensued. Jeff Harrison, President, Talbot County Watermen’s Association, stated that the watermen do not have any concerns about the project as it will not affect their trotline crabbing. Upon motion by Mr. Leshner, seconded by Mr. Callahan, the Council approved forwarding a letter in support of the NOAA grant application by voting 5 – 0 as follows:

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

- III. Presentation by Talbot Watermen Association, Inc. on 2019 Maryland General Assembly Legislation: Jeff Harrison, President, Talbot Watermen Association, Inc. and Robert “Rob” Newberry, Chairman, Delmarva Fisheries Association, Inc., briefed the Council on each of 23 bills before the Maryland General Assembly affecting commercial watermen, and the position of the two organizations, if any, on each of the 23 bills as follows:

- **HB 1 / SB 145** – NATURAL RESOURCES – PROHIBITION ON DREDGING BURIED OYSTER SHELLS ON MAN-O-WAR SHOALS (*Opposed*)
- **HB 40** – DREDGING ON MAN-O-WAR SHOALS – PROHIBITION (*Opposed*)
- **HB 298** – OYSTERS – TRIBUTARY SCALE SANCTUARIES – PROTECTION AND RESTORATION (*Opposed*)

- **HB 348 / SB 362** – NATURAL RESOURCES – OYSTER PLANTING – SUBSTRATE MATERIAL (*Support*)

- **HB 377** – NATURAL RESOURCES – SUBMERGED AQUATIC VEGETATION PROTECTION ZONES – REVISIONS (*Oppose*)
- **HB 384** – SOFT-SHELL CLAMS AND RAZOR CLAMS – FISHERY MANAGEMENT PLANS (*Oppose*)
- **HB 394** – TIDAL FISH LICENSES – AUTHORIZATION TO CATCH CRABS – APPLICATION REQUIREMENTS (*Support*)
- **HB 417** – WATER POLLUTION CONTROL – PUBLIC NOTIFICATION OF SEWER OVERFLOWS AND TREATMENT PLANT BYPASSES – ALTERATION (*Support*)
- **HB 472** – CONSTITUTIONAL AMENDMENT – ENVIRONMENTAL RIGHTS (*Oppose*)
- **HB 720 / SB 830** – NATURAL RESOURCES – FISHERY MANGEMENT PLANS – OYSTERS (*Oppose*)
- **HB 841** – AQUACULTURE – SUBMERGED AQUATIC VEGETATION – PLACEMENT OF SHELLFISH, BAGS, NETS, AND STRUCTURES (*Support*)
- **HB 921** – ENVIRONMENT – CONOWINGO DAM – WATER QUALITY CERTIFICATION (*Support*)
- **HB 1024** – NATURAL RESOURCES – CRABBING AUTHORIZATIONS – RECIPROCITY (*Support*)
- **HB 1153** – TIDAL FISH LICENSES – OYSTER AUTHORIZATIONS – REVOCATION (*Support*)
- **SB 7** – NATURAL RESOURCES – REGULATION AND USE OF COMMERCIAL FINFISH TROTTLINES – REPEAL OF SUNSET (*Support*)
- **SB 332** – STATE FINANCE AND PROCUREMENT – CHESAPEAKE BAY WATERSHED STATES – EXPENSES AND CONTRACTS (QUIT POLLUTING MY BAY ACT OF 2019) (*No Position*)
- **SB 683** – OYSTER MANAGEMENT PLAN – HARVEST – STUDY (*Support*)
- **SB 876** – AQUACULTURE – LEASES IN WATER COLUMN – RIPARIAN RIGHT OF FIRST REFUSAL (*Support*)
- **HJ 8** – CONOWINGO DAM – POLLUTION CLEANUP – COSTS (*Support*)

Council discussion ensued with Mr. Harrison and Mr. Newberry as each bill was brought forward. During discussion of HB 720/SB 830 – NATURAL RESOURCES – FISHERY MANGEMENT PLANS – OYSTERS, Mr. Newberry stated that watermen’s organizations would be willing to support the legislation,

with proper amendments, if HB298/SB448 were thrown out; Council advised that it had previously forwarded letters to Annapolis opposing HB298/SB448. Ms. Price made a motion to forward a letter in opposition to HB720/SB830, predicated on getting some amendments; Mr. Callahan seconded the motion. After further discussion with Mr. Newberry, Ms. Price stated that she wished to rephrase her motion; Mr. Callahan withdrew his second to the motion. Ms. Price rephrased her motion to forward a letter in opposition to the legislation, predicated on the amendments. She stated that when Council is notified of the amendments, and if they are agreeable to the watermen, the letter can be edited to indicate support for the legislation, with the amendments, stating that more information is needed; the motion was seconded by Mr. Callahan. Council discussion again ensued as to the timing needed for the letter. At Mr. Leshner's request, all the legislation was set aside until the Council meeting of Tuesday, March 12, 2019. Ms. Price withdrew her motion and Mr. Callahan withdrew his second to the motion.

- IV. Council Consideration of Maryland HB976 – Labor and Employment – Minimum Wage – Establishment by Counties – Prior to Council discussion and consideration of the proposed legislation, County Attorney, Anthony Kupersmith, stated that it was his understanding that the legislation, if approved, would authorize individual jurisdictions to set their own minimum wage. Ms. Price stated that MACo did not take a position on the legislation due to differences of opinion between the more urban counties and the rural counties. She stated that MACo had forwarded a letter to the Rural County Coalition opposing the \$15.00 minimum wage, and that she had provided testimony for same. She stated that HB976 is different however, as Mr. Kupersmith had stated, in that it goes county by county. She stated that, in her opinion, HB976 will not pass since it would give individual counties the ability to go below the current minimum wage rate of \$10.10 and back to the federal minimum wage of \$7.25. Ms. Price stated that the rural counties had even discussed a regional approach but determined that would also not be viable. Upon motion by Mr. Callahan, seconded by Ms. Price, the Council voted to take no position on HB976 by voting 5 – 0 as follows:

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

- V. Approval of Contract with Oxford Volunteer Fire Company (Easement) – Mr. Kupersmith briefed the Council on the two documents outlined in the Contract before them for consideration: a Confirmatory Easement will affirm existing land rights of record for a 50-foot wide strip of land on the County Oxford Conservation Park property that the Oxford Volunteer Fire Company is entitled to use for ingress and egress to and from the Fire Company property; and a Neutral Release Agreement whereby Talbot County and the Oxford Volunteer Fire Company are respectively releasing any claims that they have related to the Confirmatory Easement. Mr. Kupersmith stated that the Oxford Volunteer Fire Company Trustees approved the documents on February 28, 2019. Upon motion by Ms. Price, seconded by Mr. Callahan, the Council approved the Contract by voting 5 – 0 as follows:

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

VI. County Manager's Report:

- A. Request from Talbot County Department of Corrections - Requested Council approval for the sole source purchase of a replacement central control panel at the Department of Corrections from Montgomery Technologies System in the sum of \$234,300; \$259,000 was budgeted for the purchase in FY19. Upon motion by Mr. Callahan, seconded by Mr. Leshner, the Council approved the sole source purchase by voting 5 – 0 as follows:

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

VII. Council Comments:

Mr. Divilio - No comments.
Mr. Callahan - No comments.
Ms. Price - No comments.
Mr. Leshner - No comments.
Mr. Pack – No comments.

The meeting adjourned at 3:34 p.m.

The transcript of the March 4, 2019 County Council meeting is available for review in the Office of the Talbot County Manager during regular office hours.

- VIII. Work Session with Talbot Watermen Association, Inc. on Approved Changes to Talbot County Code Chapter 121 (Public Landings) – The Council held a work session with representatives of the Talbot Watermen Association, Inc. and County staff on Monday, March 4, 2019 at 1:00 p.m. in the Wye Oak Room at the Talbot County Community Center to review changes to the Public Landings portion of the Talbot County Code recently enacted under Bill No. 1407, including the change from allowing individuals to lease more than one boat slip; the lessening of the timeframe by which a boat may deemed to have been abandoned; and the annual cost of slip rentals, and the availability of parking at County landings. Preston Peper, Director, Department of Parks & Recreation, and Joanne Dickey, Landings Enforcement Officer, outlined the Department of Parks & Recreation's rationale for requesting the changes which were supported by the Parks and Recreation Advisory Board and later incorporated into Bill No. 1407. Council discussion ensued with representatives of the Watermen Association and County staff. At Council's request, the Talbot Watermen Association will provide an update to the Council on a yearly or as-needed basis.