



Talbot County, Maryland



Easton, Maryland

MINUTES – AS AMENDED

October 23, 2012

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

- I. Agenda – Ms. Price made a motion to move *Item VII. Introduction of Legislation* to later in the meeting just before the County Manager’s Report; there was no objection. Mr. Pack then requested and received Council’s unanimous consent for approval of the Agenda of Tuesday, October 23, 2012, as amended.
- II. Minutes – Mr. Pack requested and received Council’s unanimous consent for approval of the Minutes of Tuesday, October 9, 2012.
- III. Disbursements – Mr. Pack requested and received Council’s unanimous consent for approval of the disbursements of October 16, 2012 and October 23, 2012.
- IV. Presentation of Proclamation: National Medicine Abuse Awareness Month – October 2012 – Gary Pearce, Executive Director, Talbot Partnership; Don Cook, President, Talbot Partnership Board of Directors; Rabbi Peter Hyman, Member, Talbot Partnership Board of Directors – Mr. Pearce, Mr. Cook and Rabbi Hyman briefed the Council on the increase in abuse of prescription and over-the-counter drugs by children and youth and the efforts being made by both the public and private sectors to call attention to the signs of abuse, and to curb the abuse. Mr. Pearce and Mr. Cook stated that several local law enforcement agencies and pharmacies offer free prescription drug take-back disposal programs for those drugs which are no longer needed or are out of date. The Clerk then read the proclamation into the record. The proclamation spoke of prescription drug abuse as the nation’s fastest growing drug problem for children and youth, and called upon citizens, schools, and public and private agencies to increase awareness of the dangers of prescription drug abuse with the goal of having healthy, safe communities free of the abuse of drugs. Upon motion by Mr. Bartlett, seconded by Ms. Price, the Council approved the proclamation by voting 4 – 0 as follows:

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

Mr. Pack presented the Proclamation to Mr. Pearce, who accepted on behalf his organization.

- V. Presentation on Michener’s Chesapeake Country Scenic Byway Project – Debbi Dodson, Director, Talbot County Office of Tourism; Jim Klein, ASLA, Lardner/Klein Landscape Architects, P.C. – Ms. Dodson stated that the purpose of the presentation is to provide an update on the development of a Corridor Management Plan (CMP) for the Chesapeake Country Scenic Byway Project, a byway which traverses Talbot, Dorchester and Caroline Counties. Ms. Dodson also requested Council’s endorsement of the CMP and their consideration to include the CMP in Talbot County’s Comprehensive Plan. The completion of this portion of the byway will provide the final link with the three other byways on the Eastern Shore: the Chesapeake Country National Scenic Byway, The Blue Crab Scenic Byway and the Harriet Tubman Underground Railroad Scenic Byway, and will help ensure that overall interpretative, marketing, and traversing strategies can be carefully coordinated among all four Eastern Shore scenic byways She stated

that several years ago, Talbot County was awarded \$160,000 in grant funds toward development of the Corridor Management Plan and Lardner/Klein Landscape Architects was hired to develop the Corridor Plan. Mr. Klein stated that he, along with representatives of the counties and members of an advisory committee, had worked for approximately 18 months to develop various strategies to highlight, preserve, enhance and interpret the numerous natural, cultural and historic resources along the roadways of the scenic byway. He provided a summary of the process for creation of the corridor plan and provided a pictorial PowerPoint presentation outlining various locations for creating, expanding, or enhancing sites along the byway, citing numerous examples of opportunities for the counties to coordinate their resources to promote, preserve, conserve and sustain the area's rich history. Mr. Klein then reviewed the five goals for the byway and outlined the implementation process, including funding. Council discussion ensued. Council agreed to consider the matter at a later date following consultation with staff and receipt of public comment on the proposed Corridor Plan.

VI. Public Hearings:

Resolution No. 196, A RESOLUTION TO AUTHORIZE RENEWAL AND EXECUTION OF A CABLE TELEVISION FRANCHISE AGREEMENT BY AND BETWEEN TALBOT COUNTY, MARYLAND AND ATLANTIC BROADBAND (DELMAR), LLC, WITHIN THE CORPORATE LIMITS OF TALBOT COUNTY, MARYLAND was read into the record and brought forward for public hearing. Prior to the public hearing, County Attorney Mike Pullen stated that the Maryland General Assembly authorizes each charter county in the state to grant non-exclusive cable franchises as outlined in the proposed legislation. He stated that the legislation is a rewrite of an existing franchise which had a 15 year term and a 5 year renewal. Mr. Pullen stated that the terms of the renewal remain unchanged; however, the new franchise agreement includes substantial changes in terms which are largely favorable to the County, including outlining specific terms for programming, a senior citizen discount to those 62 years of age and older, and the opportunity for the County to impose a five percent (5%) franchise fee on gross revenues which could then be utilized by the County for MCTV operations. He stated that the current franchise agreement provides for a two percent (2%) franchise fee. Mr. Pullen stated that the new franchise agreement also includes a periodic subscriber survey, the requirement for standby power, the availability of parental control locking devices/digital codes, and a service extension policy. Following Mr. Pullen's statement that Council was also being asked to authorize the transfer of control of the cable franchise from Atlantic Broadband, LLC to Cogeco Cable, Inc., Mr. Pack then requested that Resolution No. 197, A RESOLUTION GRANTING CONSENT TO THE TRANSFER OF CONTROL OF CABLE TELEVISION FRANCHISE, also be read into the record. Mr. Pullen stated that Resolution No. 197 is a request by Atlantic Broadband, LLC for the County's permission to transfer control of the franchise to the contract purchaser, Cogeco Cable, Inc., under a stock purchase agreement; the County's consent is required by federal regulations as the County is the local franchising authority. A joint public hearing was then held on Resolution Nos. 196 and 197 and the public was afforded an opportunity to comment on the legislation. Upon motion by Mr. Bartlett, seconded by Ms. Price, Resolution No. 196 was brought to third reader. Upon motion by Mr. Bartlett, seconded by Ms. Price, Resolution No. 196 was then brought forward for vote. The Council approved Resolution No. 196 by voting 5 – 0 as follows:

Mr. Pack – Aye
Mr. Bartlett – Aye
Ms. Price – Aye
Mr. Duncan – Aye
Mr. Hollis – Aye (via absentee ballot)

Resolution No. 196 is effective immediately.

Upon motion by Mr. Bartlett, seconded by Ms. Price, Resolution No. 197 was brought forward for vote. The Council approved Resolution No. 197 by voting 5 – 0 as follows:

Mr. Pack – Aye
Mr. Bartlett – Aye
Ms. Price – Aye
Mr. Duncan – Aye
Mr. Hollis – Aye (via absentee ballot)

Resolution No. 197 is effective immediately.

Resolution No. 198, A RESOLUTION TO ADOPT A PROPOSED AMENDMENT TO THE TALBOT COUNTY COMPREHENSIVE WATER & SEWERAGE PLAN (THE “PLAN”) TO AMEND THE CAPITAL IMPROVEMENT PROJECT TABLE 16 “*EASTON SEWERAGE SYSTEM CAPITAL IMPROVEMENT PROJECTS*”, TO ADD A CAPITAL PROJECT TO CONSTRUCT A SPRAY IRRIGATION SYSTEM AS A DEMONSTRATION PROJECT AND A SOLAR ARRAY TO OFFSET UTILITY COSTS, was read into the record and brought forward for public hearing. Prior to the public hearing on Resolution No. 198, County Engineer Ray Clarke briefed the Council on the purpose of the proposed legislation. He stated that Easton Utilities had submitted an application to the County to amend the Town of Easton’s capital improvement tables in the County’s Comprehensive Water and Sewer Plan. He stated that the Public Works Advisory Board, at its meeting on Wednesday, October 3, 2012, had voted 5 – 0 in favor of recommending that the Council approve the Resolution; the Planning Commission, at its meeting on October 3, 2012 had also voted 5 – 0 in favor of recommending that the Council approve the Resolution. Mr. Clarke stated that inclusion of an amendment to the County’s Comprehensive Water and Sewer Plan would assist the Town of Easton in its pursuit of funding for the project. The public hearing was then held on Resolution No. 198, and the public was afforded an opportunity to comment on the legislation. Upon motion by Ms. Price, seconded by Mr. Bartlett, Resolution No. 198 was brought to third reader. Mr. Pack temporarily tabled the motion to afford Easton Utilities representatives an opportunity to comment on the legislation. Upon motion by Mr. Bartlett, seconded by Ms. Price, Resolution No. 198 was brought forward for vote. The Council approved Resolution No. 198 by voting 5 – 0 as follows:

Mr. Pack – Aye
Mr. Bartlett – Aye
Ms. Price – Aye
Mr. Duncan – Aye
Mr. Hollis – Aye (via absentee ballot)

Resolution No. 198 is effective immediately.

VII. Introduction of Legislation:

A BILL TO ESTABLISH THE ANNUAL SALARY OF THE SHERIFF FOR TALBOT COUNTY TO BECOME EFFECTIVE FOR TERMS BEGINNING IN AND AFTER 2014 was introduced by Mr. Bartlett, Mr. Duncan, Mr. Pack, and Ms. Price as Bill No. 1228. A public hearing was scheduled for Tuesday, November 13, 2012 at 2:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

VIII. County Manger's Report:

- A. Talbot County Historic Preservation Commission – Requested Council approval for the appointment of Dr. Dorothy Fenwick to a three-year term on the Talbot County Historic Preservation Commission; said term will expire July 1, 2015. Upon motion by Mr. Bartlett, seconded by Mr. Duncan, the Council approved the appointment by voting 4 – 0 as follows:

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

- B. Talbot County Parks and Recreation Advisory Board – Requested Council approval for the appointment of Walter Chase, Sr., to a three-year term on the Talbot County Parks and Recreation Advisory Board as a representative of the Town of Trappe; said appointment will expire July 1, 2015. Upon motion by Mr. Duncan, seconded by Mr. Bartlett, the Council approved the appointment by voting 4 – 0 as follows:

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

- C. Free Household Hazardous Waste Disposal Drop-off and Electronics Recycling Day – Mr. Craig stated that the Mid-Shore Regional Landfill Transfer Station Facility would be hosting a free household hazardous waste disposal drop-off and electronics recycling day on Saturday, November 3, 2012 from 8:00 a.m. to 2:00 p.m. He stated that the media would be notified and the information posted on the homepage of the County's website.

IX. Council Comments:

Mr. Bartlett - No comments.

Ms. Price - No comments.

Mr. Duncan- Mr. Duncan offered condolences to the family of Marty Gangemi, a former member of the Caroline County Commissioners who had recently passed away. He stated that he had had the pleasure of serving with Mr. Gangemi and, in his opinion, Mr. Gangemi was a true gentleman who had served Caroline County in a stellar manner. Mr. Duncan stated that Mr. Gangemi had been active in all facets of local government and had been a candidate for the Caroline County School Board at the time of his death.

Mr. Pack - Mr. Pack echoed Mr. Duncan's sentiments and offered condolences to the family of Marty Gangemi. He stated that Mr. Gangemi began serving in Caroline County at approximately the same time he and Mr. Bartlett began serving in Talbot County. Mr. Pack stated that, in his opinion, Mr. Gangemi's death is a loss to the Caroline County community and the entire Mid-Shore. Mr. Pack also offered best wishes to Miguel Dennis, Chief of Police in St. Michaels who has accepted a position with the City of Annapolis as the Director of the Office of Professional Standards. He stated that he had recently spoken with Chief Dennis

and had told him that it had been a pleasure to have worked with him the past several years. Mr. Pack encouraged everyone to see the film entitled *American History in Black and White* which would be shown at the Talbot County Senior Center on October 25, 2012 at 5:30 p.m. He offered congratulations to Patty Quimby and the staff at Talbot Humane for their recent successful Bark in the Park event.

- X. Upon motion by Mr. Bartlett, seconded by Ms. Price, the Council voted to adjourn to Executive Session for discussion of legal, personnel and real estate matters, to reconvene on Monday, October 29, 2012 at 5:00 p.m. for a Work Session with staff on Maryland Senate Bill 236 (SB 236), *The Sustainable Growth and Agricultural Preservation Act of 2012*, and at 6:00 p.m. for a Work Session with representatives of the Town of Easton and Shore Health System to discuss the Development Rights and Responsibilities Agreement (DRRA) relating to the relocation of the Memorial Hospital at Easton; to reconvene in Executive Session at 5:00 p.m. on Tuesday, October 30, 2012 for discussion of legal, personnel, and real estate matters, and at 6:00 p.m. for a Work Session with representatives of the Public Works Advisory Board and the Planning & Zoning Commission to discuss Village Growth and Sewer Policy; and to reconvene in Executive Session at 12:30 p.m. on Tuesday November 13, 2012 for discussion of legal, personnel, and real estate matters, and for the regularly scheduled meeting at 1:30 p.m. by voting 4 – 0 as follows:

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

The meeting adjourned at 8:00 p.m.

The transcript of the October 23, 2012 County Council meeting is available for review in the Office of the County Manager during regular office hours.

- XI. On Thursday, October 18, 2012, an Executive Session of the Talbot County Council convened at 5:10 p.m. in the County Council Conference Room and the Bradley Meeting Room. Upon motion by Mr. Bartlett seconded by Mr. Hollis, the Council met in Executive Session by voting 4 – 0 as follows:

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

In accordance with State Article § 10-508 (a)(1)(i)(3)(4)(7) the purpose of the Executive Session was for personnel matters to discuss advertising for the Tourism Director position; to discuss the candidates for the Parks and Recreation Director position; to discuss a personnel matter involving Planning & Zoning; and to discuss a personnel matter involving the Liquor Inspector; for a real estate matter to discuss possible acquisition of property for a public purpose; and for a legal/real estate matter for legal advice to discuss possible relocation of Memorial Hospital at Easton to County owned property and the timetable for same. The Executive Session ended at 7:45 p.m.

- XII. On Tuesday, October 23, 2012, an Executive Session of the Talbot County Council convened at 4:30 p.m. in the County Council Conference Room and the Bradley Meeting Room. Upon motion by Mr. Bartlett seconded by Ms. Price, the Council met in Executive Session by voting 4-0 as follows:

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

In accordance with State Article § 10-508 (a)(1)(i)(3)(4)(7) the purpose of the Executive Session was for personnel matters to discuss appointments to various County boards and committees; to discuss the candidates for the Parks and Recreation Director position; for a real estate matter to discuss possible acquisition of property for a public purpose; and for a legal/real estate matter for legal advice to discuss possible relocation of Memorial Hospital at Easton to County owned property and the timetable for same. The Executive Session recessed at 6:00 p.m., reconvened at 8:10 p.m. and ended at 9:45 p.m.

CASH STATEMENT 10/16/2012

BALANCE 10/09/2012	\$21,753,611.69
STATE REPORT 9/2012	(596,310.87)
BANK CHARGES 9/2012	(2,615.96)
INTEREST ON GEN&MLGIP ACCTS 9/2012	6,911.01
UHC CLAIMS THRU 10/9/2012	(41,143.26)
POSTAGE WIRE	(3,000.00)
OFFICIAL PAYMENTS REVERSED CHARGE	(319.73)
PAYROLL –FD/SS/MS WH 10/12/2012	(103,421.41)
SECU DED	(8,059.19)
DEFERRED COMP DED	(9,872.72)
MD WH	(27,532.00)
PENSION DED	(27,948.56)
ACH TRANSFER	(10,221.75)
FLEX SPENDING ACCT	(2,369.42)
DEPOSITS	523,290.12
CHECKS	(1,553,478.49)
VOID CHECK NO.S 279147	345,900.00
BALANCE 10/16/2012	<u>\$20,243,419.46</u>

AIRPORT ACCOUNTS

AIP-RUNWAY 4-22 EXTENSION ANALYSIS	--
AIP-34	15,304.15
AIP-35	BALANCE 37,082.09
	CHECKS (796.25)
AIP36	36,285.84
AIP37	8,535.74
AIP38	379.89
	3,612.00
AIRPORT ACCOUNTS TOTAL BALANCE	<u>\$64,117.62</u>

INVESTMENTS – CERTIFICATES OF DEPOSIT

<u>CERTIFICATE DATE</u>	<u>MATURITY DATE</u>	<u>RATE</u>	<u>AMOUNT</u>
10/18/2011	10/18/12	0.41%	4,000,000.00
12/20/2011	12/20/12	0.37%	3,000,000.00
PNC-MLGIP INVESTMENTS TOTAL		0.13%	14,000,000.00
TOTAL INVESTED			<u>\$21,000,000.00</u>
PETTY CASH BALANCE			<u>\$8,320.00</u>
GRAND TOTAL ALL FUNDS			<u>\$41,315,857.08</u>

CASH STATEMENT 10/23/2012
BALANCE 10/16/2012

	\$20,243,419.46
UHC CLAIMS THRU 10/16/2012	(51,857.02)
RETURNED CHECKS	(145.73)
SALE&INTEREST ON CD@TALBOT BANK	4,016,478.69
TRANSFER TO PNC-MLGIP	(4,000,000.00)
DEPOSITS	1,081,879.89
CHECKS	(368,605.91)
BALANCE 10/23/2012	<u>\$20,921,169.38</u>

AIRPORT ACCOUNTS

AIP-RUNWAY 4-22 EXTENSION ANALYSIS	--
AIP-34	15,304.15
AIP-35	36,285.84
AIP-36	8,535.74
AIP-37	379.89
AIP-38	3,612.00
AIRPORT ACCOUNTS TOTAL BALANCE	<u>\$64,117.62</u>

INVESTMENTS – CERTIFICATES OF DEPOSIT

<u>CERTIFICATE DATE</u>	<u>MATURITY DATE</u>	<u>RATE</u>	<u>AMOUNT</u>
12/20/2011	12/20/12	0.37%	3,000,000.00
PNC-MLGIP INVESTMENTS TOTAL		0.14%	18,000,000.00
TOTAL INVESTED			<u>\$21,000,000.00</u>
PETTY CASH BALANCE			<u>\$8,320.00</u>
GRAND TOTAL ALL FUNDS			<u>\$41,993,607.00</u>