



TALBOT COUNTY, MARYLAND

County Council

MINUTES

March 12, 2019

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

- I. Agenda – The Agenda of Tuesday, March 12, 2019 was brought forward for approval. Upon motion by Ms. Price, seconded by Mr. Leshner, the Council deleted *Item VII. Council Consideration of Maryland House Bill 1356 – Talbot County – Turkey Hunting – Sundays* from the agenda as it remains in the Rules Committee and added in its place a *Memorandum of Understanding for Broadband* by voting 5 – 0 as follows:

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

Mr. Pack requested and received Council’s unanimous consent for approval of the Agenda of Tuesday, March 12, 2019, as amended.

- II. Disbursements – Mr. Pack requested and received Council’s unanimous consent for approval of the Disbursements of Tuesday, March 5, 2019, and Tuesday, March 12, 2019.
- III. Proclamation: Developmental Disabilities Awareness Month – March 2019 – The Clerk read a proclamation into the record in recognition of March 2019 as Developmental Disabilities Awareness Month. The proclamation spoke of the importance of providing inclusiveness of those with developmental disabilities into the larger community through education, employment, and housing opportunities. Upon motion by Mr. Callahan, seconded by Mr. Divilio, the Council approved the proclamation by voting 5 – 0 as follows:

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

Lisa Korell, Vocational Director, Chesapeake Center, briefed the Council on the number of individuals served by the Chesapeake Center, the number of individuals served by the Chesapeake Center who are employed in the community as well as an overview of several of the products produced at the Chesapeake Center.

Mr. Divilio presented the Proclamation to Ms. Korell who accepted on behalf of the clients, staff, and volunteers of the Chesapeake Center who were in attendance.

- V, Update on “Building to Serve” Capital Campaign for Blake-Blackston American Legion Post #77 – Willis Scott, Finance Officer, Blake-Blackston American Legion Post #77, briefed the Council on plans to renovate the outdated facility and to expand Post #77’s building which is centrally located in Easton at 102 Glenwood Avenue; Post #77 will commemorate its 100th anniversary in 2020. Mr. Scott stated that the Town of Easton is partnering with Post #77 on its application for a Community Legacy Grant. He stated that the renovation and expansion is needed in order to better accommodate the veterans who meet there as well as community citizens who gather at Post #77 for various events such as the recent update to the community by the Easton Economic Development Corporation on the Port Street development project. Mr. Scott stated that Post #77 initiated a capital campaign in late 2018 and to date has raised \$75,000. Representatives of Post #77 provided architectural renderings of the proposed renovations and expansion project for the 117 year-old facility, which, when completed will seat from 165 to 200 people; the facility currently seats 95 to 105 people. Mr. Scott stated that Post #77 anticipates initiating construction this summer. He requested Council’s consideration for a letter of support for the project; no County funds are required. Upon motion by Mr. Leshner, seconded by Mr. Callahan, the Council approved a letter of support for the project by voting 5 – 0 as follows:

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

- VI. Presentation of Delmarva Community Transit’s FY2020 Annual Transportation Plan – Santo Grande, Executive Director, Delmarva Community Services, Inc.; Andrea Waters, CCTM, Grant Administrator, Delmarva Community Services, Inc. – Ms. Waters briefed the Council on Delmarva Community Transit’s Annual Transportation Grant application for FY2020 to the State of Maryland under the Federal Transit Act and the local matches for each of the categories for which grants are being requested. The grant application includes operating and capital funding requests as well as the sources of all funding received through the Maryland Transportation Administration, including federal funding, for the public transportation system for Caroline, Kent and Talbot counties; funding for the transportation system in Dorchester County is filed separately. Ms. Waters stated that federal and State funding being requested totals \$1,400,502; local funding requested from the participating counties totals \$457,152. Mr. Grande expressed his appreciation to the Council for the assistance of County administrative staff who manages the grant paperwork of which Talbot County is the grantee of record. Upon motion by Ms. Price, seconded by Mr. Callahan, the Council approved submittal of the FY2020 Annual Transportation Plan as presented by voting 5 – 0 as follows:

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

At Council’s request, the Delmarva Community Transit FY2020 Annual Transportation Plan will be posted on the County website.

- VII. Memorandum of Understanding Regarding Broadband Application Support By and Between the Department of Housing and Community Development (“DHCD”), a Principal Department of the State of

Maryland (“State”), Talbot County, Maryland (the “County”), a political subdivision of the State, and the Easton Utilities Commission (“Applicant”) – Mr. Kupersmith stated that the Memorandum of Understanding (MOU) would allow the County to accept up to \$500,000 in grant funding from the State which would be used to reimburse Easton Utilities Commission for expenses associated with their application for a USDA Reconnect Program Grant to assist with extension of broadband to underserved and unserved areas of the county. Mr. Pack stated that the expansion of broadband in the county is an initiative of the current Council, was an initiative of the previous Council and is outlined in the 2016 Comprehensive Plan. Upon motion by Mr. Leshner, seconded by Ms. Price, the Council approved entering into the MOU by voting 5 – 0 as follows:

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

VIII. Council Consideration of the following 2019 Maryland General Assembly Legislation: Prior to Council’s vote on each of the bills, Mr. Pack stated that the Council had held a meeting on Monday, March 4, 2019 at the Talbot County Community Center and reviewed each of the bills. Upon request by a Council member, the vote on the legislation was postponed to March 12, 2019. The bills now before Council are as follows:

- **HB 1 / SB 145 – NATURAL RESOURCES – PROHIBITION ON DREDGING BURIED OYSTER SHELLS ON MAN-O-WAR SHOALS** (*Opposed by watermen’s organizations at the March 4, 2019 meeting*). Upon motion by Ms. Price, seconded by Mr. Callahan, the Council approved forwarding letters of opposition by voting 4 – 1 as follows:

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

- **HB 40 – DREDGING ON MAN-O-WAR SHOALS – PROHIBITION** (*Opposed by watermen’s organizations at the March 4, 2019 meeting*). Upon motion by Ms. Price, seconded by Mr. Callahan, the Council approved forwarding a letter of opposition by voting 4 – 1 as follows:

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

- **HB 298 – OYSTERS – TRIBUTARY SCALE SANCTUARIES – PROTECTION AND RESTORATION** (*Opposed by watermen’s organizations at the March 4, 2019 meeting*). Mr. Pack stated that a letter on behalf of a majority of the Council had previously been sent in opposition to the legislation.

- **HB 348 / SB 362 – NATURAL RESOURCES – OYSTER PLANTING – SUBSTRATE MATERIAL** (*Supported by watermen's organizations at the March 4, 2019 meeting*). Ms. Price made a motion to forward letters in support of the legislation; the motion was seconded by Mr. Callahan. Mr. Leshar stated that the bills had been received unfavorably in committee; Ms. Price withdrew her motion for a letter of support and made a motion to take no position; Mr. Callahan seconded the motion. The Council approved taking no position on the legislation by voting 5 – 0 as follows:
 - Mr. Pack – Aye
 - Mr. Divilio – Aye
 - Mr. Callahan – Aye
 - Ms. Price – Aye
 - Mr. Leshar - Aye

- **HB 377 – NATURAL RESOURCES – SUBMERGED AQUATIC VEGETATION PROTECTION ZONES – REVISIONS** (*Opposed by watermen's organizations at the March 4, 2019 meeting*). Ms. Price made a motion to forward a letter of opposition to the legislation; Mr. Callahan seconded the motion. Prior to the vote, Mr. Leshar suggested that the Council consider not taking a position on the legislation and Council discussion ensued. The Council did not approve forwarding a letter of opposition to the legislation by voting 2 – 3 as follows:
 - Mr. Pack – Nay
 - Mr. Divilio – Aye
 - Mr. Callahan – Nay
 - Ms. Price – Aye
 - Mr. Leshar – Nay

- **HB 384 – SOFT-SHELL CLAMS AND RAZOR CLAMS – FISHERY MANAGEMENT PLANS** (*Opposed by watermen's organizations at the March 4, 2019 meeting*). Ms. Price made a motion to forward a letter of opposition to the legislation; Mr. Callahan seconded the motion. Mr. Leshar stated that there had been no cross-filing of the legislation in the Senate. Ms. Price withdrew her motion to oppose and Mr. Callahan withdrew his second to the motion. Upon motion by Ms. Price, seconded by Mr. Callahan, the Council approved a motion of no position by voting 5 – 0 as follows:
 - Mr. Pack – Aye
 - Mr. Divilio – Aye
 - Mr. Callahan – Aye
 - Ms. Price – Aye
 - Mr. Leshar - Aye

- **HB 394 – TIDAL FISH LICENSES – AUTHORIZATION TO CATCH CRABS – APPLICATION REQUIREMENTS** (*Supported by watermen's organizations at the March 4, 2019 meeting*). Jeff Harrison, President, Talbot Watermen Association, Inc. advised the Council that the legislation was no longer relevant. No vote was taken by the Council.

- **HB 417 – WATER POLLUTION CONTROL – PUBLIC NOTIFICATION OF SEWER OVERFLOWS AND TREATMENT PLANT BYPASSES – ALTERATION** (*Supported by watermen's organizations at the March 4, 2019 meeting*). Ms. Price made a motion to forward a letter of support of the legislation; the motion was seconded by Mr. Leshar who provided

a brief outline of the proposed legislation. Council discussion ensued. The Council approved forwarding a letter in support of the legislation by voting 5 – 0 as follows:

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

- **HB 472 – CONSTITUTIONAL AMENDMENT – ENVIRONMENTAL RIGHTS** (*Opposed by watermen’s organizations at the March 4, 2019 meeting*). Mr. Leshler stated that the bill had received an unfavorable report in the Environment and Transportation Committee and had been withdrawn.
- **HB 720/SB 830 – NATURAL RESOURCES – FISHERY MANGEMENT PLANS – OYSTERS** (*Opposed by watermen’s organizations at the March 4, 2019 meeting*). Capt. Robert “Rob” Newberry, President, Delmarva Fisheries Association, stated that the legislation passed through committee, is on the floor, and one amendment had been made which his organization supports; however, they still oppose the legislation. Upon motion by Ms. Price, seconded by Mr. Callahan, the Council approved forwarding a letter in opposition to the legislation by voting 4 – 1 as follows:

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

- **HB 841 – AQUACULTURE – SUBMERGED AQUATIC VEGETATION – PLACEMENT OF SHELLFISH, BAGS, NETS, AND STRUCTURES** (*Supported by watermen’s organizations at the March 4, 2019 meeting*). Mr. Leshler briefly outlined the provisions of the legislation and made a motion to forward a letter in support of the legislation; Ms. Price seconded the motion. The Council approved forwarding a letter of support by voting 5 – 0 as follows:

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

- **HB 921 – ENVIRONMENT – CONOWIGO DAM – WATER QUALITY CERTIFICATION** (*Supported by watermen’s organizations at the March 4, 2019 meeting*). Upon motion by Ms. Price, seconded by Mr. Callahan, the Council approved forwarding a letter in support of the legislation by voting 5 – 0 as follows:

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

- **HB 1024** – NATURAL RESOURCES – CRABBING AUTHORIZATIONS – RECIPROCITY (*Supported by watermen’s organizations at the March 4, 2019 meeting*). Mr. Lesher stated that the bill had recently been defeated in Committee.
- **HB 1153** – TIDAL FISH LICENSES – OYSTER AUTHORIZATIONS – REVOCATION (*Supported by watermen’s organizations at the March 4, 2019 meeting*). Capt. Newberry stated that the legislation had been withdrawn.
- **SB 7** – NATURAL RESOURCES – REGULATION AND USE OF COMMERCIAL FINFISH TROTTLINES – REPEAL OF SUNSET (*Supported by watermen’s organizations at the March 4, 2019 meeting*). Upon motion by Mr. Lesher, seconded by Ms. Price, the Council approved forwarding a letter in support of the legislation by voting 5 – 0 as follows:

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

- **SB 332** – STATE FINANCE AND PROCUREMENT – CHESAPEAKE BAY WATERSHED STATES – EXPENSES AND CONTRACTS (QUIT POLLUTING MY BAY ACT OF 2019) (*No Position taken by the watermen’s organizations at the March 4, 2019 meeting*). Capt. Newberry stated that the legislation had been withdrawn.
- **SB 683** – OYSTER MANAGEMENT PLAN – HARVEST – STUDY (*Supported by watermen’s organizations at the March 4, 2019 meeting*). Upon motion by Ms. Price, seconded by Mr. Lesher, the Council approved forwarding a letter in support of the legislation by voting 5 – 0 as follows:

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

- **SB 876** – AQUACULTURE – LEASES IN WATER COLUMN – RIPARIAN RIGHT OF FIRST REFUSAL (*Supported by watermen’s organizations at the March 4, 2019 meeting*). Ms. Price made a motion to forward a letter in support of the legislation; Mr. Callahan seconded the motion. Mr. Lesher gave a brief outline of the provisions of the legislation and requested Council’s consideration to take no position on the legislation. Mr. Callahan withdrew his second to the motion; as there was no other second to Ms. Price’s motion to support, the motion died.
- **HJ 8** – CONOWINGO DAM – POLLUTION CLEANUP – COSTS (*Supported by watermen’s organizations at the March 4, 2019 meeting*). Ms. Price made a motion to forward a letter in support of the legislation; Mr. Divilio seconded the motion and Council discussion ensued. The Council approved forwarding a letter by voting 5 – 0 as follows:

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

Mr. Leshar – Aye

IX. County Manager’s Report:

- A. Bid No. 19-03, FURNISHING & DELIVERY, WITH POSSIBLE APPLICATION, CRS-2L EMULSIFIED ASPHALT WITH POLYMER and/or CRS-2 EMULSIFIED ASPHALT, TALBOT COUNTY, MARYLAND - Requested Council approval to award Bid No. 19-03 to the low bidder, Slurry Pavers, Incorporated, in the sum of \$1.55 per gallon for furnishing and delivery of the CRS-2 emulsified asphalt up to \$2.03 per gallon for furnishing, delivery and application of the CRS-2L emulsified asphalt. Upon motion by Ms. Price, seconded by Mr. Callahan, the Council approved the award by voting 5 – 0 as follows:

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

X. Council Comments:

Mr. Leshar - No comments.

Ms. Price - No comments.

Mr. Callahan - No comments.

Mr. Divilio - Mr. Divilio expressed his appreciation to the Chesapeake Bay Foundation which had provided Council with information regarding their stance on the bills, as had Delmarva Fisheries Association and Talbot Watermen Association, Inc. He stated that he appreciated hearing from both sides.

Mr. Pack - Mr. Pack echoed Mr. Divilio’s sentiments. He stated that the Council had received and reviewed information from the Chesapeake Bay Foundation as well as comments for the Talbot Watermen Association, Inc. He stated that when the Council holds a work session, interested parties are always given time to provide comment and feedback on the subject. Mr. Pack commented on the recent loss of County Planning Commission Member, Mike Sullivan. He stated that, in his opinion, Mr. Sullivan was a great credit to the Planning Commission and was always a very fair-minded man in his approach to the planning and zoning issues in the county. Mr. Pack stated that he considered Mr. Sullivan a friend, and although he and Mr. Sullivan did not always see eye to eye on things, he was always a very amicable person in his discussions. Mr. Pack concluded his comments by stating that Mike Sullivan will be missed.

- XI. Upon motion by Ms. Price, seconded by Mr. Callahan, the Council voted to adjourn and to reconvene on Tuesday, March 26, 2019 at 4:30 p.m. 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 for the regularly scheduled meeting at 6:00 p.m. by voting 5 – 0 as follows:

Mr. Pack – Aye
Mr. Divilio – Aye

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

The meeting adjourned at 6:14 p.m.

The transcript of the March 12, 2019 County Council meeting is available for review in the Office of the Talbot County Manager during regular office hours.

- XII. On Tuesday, March 12, 2019, a Closed Session of the Talbot County Council convened at 3:35 p.m. in the County Council Conference Room. Upon motion by Mr. Callahan, seconded by Ms. Price, 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)(4)(7)(8) the purpose of the Closed Session was for Legal matters for legal advice on the Open Meetings Act requirements and potential litigation; for legal update on consent order involving L.S. Futures/Ferry Point Marina; for legal advice regarding national opioid prescription litigation; for legal advice regarding litigation involving Angel Enterprises/Bender; for Personnel matters to discuss appointments to various County boards and committees; to discuss a personnel matter at the State’s Attorney’s Office; and for Business expansion for legal advice regarding proposal for business expansion in Talbot County to provide broadband services to underserved and unserved areas of the County. The Closed Session ended at 4:05 p.m.

CASH STATEMENT 3/05/2019

BALANCE 2/26/2019	\$ 12,659,534.14
TOTAL ADP PAYROLL PPE 2/28/2019	(15,808.37)
DEFERRED COMP DED PPE 2/28/2019	(990.00)
PENSION DED PPE 2/28/2019	(772.95)
CIGNA CLAIMS THRU 2/25/2019	(40,767.76)
MARCH 2019 RETIREE HEALTH INSURANCE PLAN #727	(27,651.40)
RETIREE HEALTH INSURANCE TRANSFER	(6,718.41)
ELECTION BOARD PPE 1/22/2019 & 1/29/2019	(5,928.90)
BOARD OF EDUCATION 02/2019	(3,319,812.00)
USDA/RD BIOSOLIDS QTRLY BOND 4 TH QTR	(13,086.00)
USDA/RD BIOSOLIDS QTLY BOND 4 TH QTR	(6,626.00)
DEPOSITS	1,413,184.96
CHECKS	(915,489.92)
VOIDED CHECK # 330133, 331583	424.96
BALANCE 3/05/2019	<u>9,719,492.35</u>

AIRPORT ACCOUNTS

AIP42 0.00

AIRPORT ACCOUNTS TOTAL BALANCE 0.00

INVESTMENTS – CERTIFICATES OF DEPOSIT

<u>CERTIFICATE DATE</u>	<u>MATURITY DATE</u>	<u>YIELD</u>	<u>AMOUNT</u>
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PNC-MLGIP INVESTMENTS TOTAL		2.43%	23,000,000.00
1880 BANK			10,065,776.55

TOTAL INVESTED \$33,065,776.55

PETTY CASH BALANCE \$15,570.00

GRAND TOTAL ALL FUNDS \$ 42, 800,838.90

CASH STATEMENT 3/12/2019

BALANCE 3/05/2019 \$ 9,719,492.35

TOTAL ADP PAYROLL PPE 2/22/2019	(609,136.73)
ADP PAYROLL PPE 2/8/2019 (SPECIAL RUN)	(588.79)
DEFERRED COMP DED PPE 2/22/2019	(16,490.47)
PENSION DED PPE 2/22/2019	(37,429.75)
SECU DED PPE 2/22/2019	(3,383.30)
DEFERRED COMP PPE 2/22/2019 PLAN 401 (A)	(5,088.21)
FLEX SPENDING BENEFITS PPE 2/22/2019	(3,339.00)
CIGNA CLAIMS THRU 3/4/2019	(42,193.18)
USDA/RD MONTHLY BOND PYMT #97-08	(1,304.00)
STATE REPORT 2/2019	(98,551.03)
ELECTION BOARD PPE 2/5/19 & 2/12/19	(7,089.94)

DEPOSITS	7,539,909.25
CHECKS	(442,498.93)
VOIDED CHECK #331315	7.00

BALANCE 3/12/2019 15,992,315.27

AIRPORT ACCOUNTS

AIP42 0.00

AIRPORT ACCOUNTS TOTAL BALANCE 0.00

INVESTMENTS – CERTIFICATES OF DEPOSIT

<u>CERTIFICATE DATE</u>	<u>MATURITY DATE</u>	<u>YIELD</u>	<u>AMOUNT</u>
PNC-MLGIP INVESTMENTS TOTAL		2.41%	23,000,000.00
1880 BANK			10,065,776.55
TOTAL INVESTED			<u>\$33,065,776.55</u>
PETTY CASH BALANCE			<u>\$15,570.00</u>
GRAND TOTAL ALL FUNDS			<u>\$49,073,661.82</u>

