



TALBOT COUNTY, MARYLAND

County Council

MINUTES

May 25, 2021

Present – President Chuck F. Callahan, Vice President Pete Leshner, Frank Divilio, Corey W. Pack, Laura Price, County Manager Clay Stamp, and Acting County Attorney Patrick Thomas.

- I. Agenda – Mr. Callahan requested and received unanimous consent for approval of the Agenda of Tuesday, May 25, 2021.
- II. Minutes - Mr. Callahan requested and received unanimous consent for approval of the Minutes of Tuesday, May 11, 2021.
- III. Disbursements – Mr. Callahan requested and received unanimous consent for approval of the Disbursements of Tuesday, May 25, 2021.
- IV. Presentation by Talbot County Board of Education for Categorical Budget Transfer – Kevin Shafer, Director of Operations, Talbot County Public Schools. Mr. Shafer stated that the Board of Education’s request for a categorical budget transfer is related to two capital projects approved for FY21: the replacement of the Easton High School athletic track and the repaving of the Easton High School parking lot. He stated that bids received for both projects were significantly higher than the amount budgeted by the Board of Education and approved by the Council. He requested to transfer funds the Board of Education had received as a reimbursement through the Public School Construction Program Safety Grant Program for security enhancements, and to utilize funds previously approved by the Council for repaving the St. Michaels Middle-High School parking lot in order to move forward with the two capital projects at Easton High School. He stated that the St. Michaels Middle-High School parking lot project will be moved to a future year. Council discussion ensued with Mr. Shafer. Angela Lane, Finance Director, stated that should Council desire to approve the Board of Education’s request, the capital enabling legislation for the projects outlined by Mr. Shafer should be amended. She stated that the FY22 capital enabling legislation is scheduled for introduction on Tuesday, June 8, 2021. Upon motion by Mr. Leshner, seconded by Mr. Pack, the Council to approve the request via a straw poll by voting 5 – 0 as follows:

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

V. Introduction of Numbered Resolution:

A RESOLUTION TO ADOPT THE 2020 – 2030 COMPREHENSIVE SOLID WASTE MANAGEMENT PLAN FOR TALBOT COUNTY, MARYLAND was read into the record by the Clerk and brought forward for introduction. Prior to introduction, Ray Clarke, County Engineer, stated that the County is required to update its solid waste management plan every ten (10) years and that the Plan presented for Council’s consideration is for the period 2020 – 2030. Mr. Clarke outlined the process by which the Plan was developed and stated that the draft Plan has been reviewed by the Maryland Department of the Environment, the Maryland Department of Planning, the Talbot County Planning Commission and the Talbot County

Public Works Advisory Board and their comments have been incorporated. Council discussion ensued with Mr. Clarke. The resolution was introduced by Mr. Callahan, Mr. Divilio, Mr. Leshner, Mr. Pack, and Ms. Price as Resolution No. 303. A public hearing was scheduled for Tuesday, June 22, 2021 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

V. Eligible for Vote:

Bill No. 1473, AN ACT TO ESTABLISH THE 2021-2022 ANNUAL BUDGET AND APPROPRIATION ORDINANCE, *and amendments*, was read into the record and brought forward for vote. Prior to the vote, Angela Lane, Finance Director, read the proposed amendments into the record as follows:

Section 1. Tax Rates – Service Charge based on a rate changing from .05 percent to 0.062 percent will be applied to the unpaid balance of Real Property Taxes in December on the properties with the semiannual tax payment option.

APPROPRIATION BUDGET – State’s Attorney – Salaries & Benefits – from \$1,060,960 to \$1,063,381 – an increase of \$2,421; **Sheriff’s Office** - Operating Expense from \$962,500 to \$967,500 – an increase of \$5,000; **Other Social Services** – Operating Appropriation – from \$445,282 to \$465,282 – an increase of \$20,000; **Reserve for Contingencies** – from \$1,480,000 to \$1,452,579 - a decrease of \$27,421

Total changes from \$3,948,742 to \$3,948,742 – a net change of \$0.00.

Section 2. Be it further enacted that, subject to the provisions hereinafter set forth and subject to the Public General Laws of Maryland and the Talbot County Charter relating to budgetary and fiscal procedures, the several amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby approved, appropriated, and authorized to be disbursed for the Capital Projects specified for the fiscal year beginning July 1, 2021 and ending June 30, 2022.

Talbot County, Maryland, Capital Budget Fiscal Year 2022

CAPITAL BUDGET –

Public Schools – Easton High School - Roof Replacement – from \$1,328,500 to \$3,275,423 – an increase of \$1,946,923

Capital Projects Fund Reserves – from \$3,850,000 to \$1,903,577 – a decrease of \$1,946,923

Total changes from \$5,179,000 to \$5,179,000 – a net change of \$0.00.

SUMMARY OF CAPITAL BUDGET APPROPRIATIONS – FY 2022

Public Schools – from \$1,328,500 to \$3,275,423 – an increase of \$1,946,823
Capital Projects Fund Reserves – from \$3,850,500 to \$1,903,577 – a decrease of \$1,946,923

Total changes from \$5,179,000 to \$5,179,000 – a net change of \$0.00.

APPLICATION OF FUNDS – LOCAL FUNDS

Public Schools – from \$1,328,500 to \$3,275,423 – an increase of \$1,946,923

Capital Projects Fund Reserves – from \$3,850,500 to \$1,903,577 – a decrease of \$1,946,923

Total changes from \$5,179,000 to \$5,179,000 - a net change of \$0.00.

Mr. Leshner made a motion to amend the Appropriations Budget in the Board of Education Budget from \$43,625,000 to \$43,905,596, an increase of \$280,596. He stated that the increase would provide funding for an all-day Pre-K program and a Certified Nursing Assistant (CNA) program. Mr. Leshner stated that, if approved, the funding for the programs would be provided through an adjustment in the rate of the Property Tax School Supplement. Council discussion ensued. Ms. Lane stated that should the amendment proposed by Mr. Leshner be approved, the total County FY22 Budget would change from \$112,535,000 to \$112,815,596.

Upon motion by Mr. Leshner, seconded by Mr. Divilio, the Council approved the amendments to the budget as read into the record by Ms. Lane by voting 3- 2 as follows:

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

Mr. Leshner made a motion to increase the appropriation to the Board of Education by \$280,596, and the corresponding Property Tax offset in the same amount; Mr. Divilio seconded the motion. Council discussion ensued. The Council approved the amendment to the Board of Education appropriation by voting 3 - 2 as follows:

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

Upon motion by Mr. Leshner, seconded by Mr. Divilio, the Council approved Bill No. 1473, as amended, by voting 5 – 0 as follows:

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

Bill No. 1473, as amended, is effective July 1, 2021.

VI. Introduction of Administrative Resolutions:

AN ADMINISTRATIVE RESOLUTION AUTHORIZING A TRANSFER TO THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM (LEOPS) was brought forward for introduction. Prior to introduction, Angela Lane, Finance Director, provided an overview of the administrative resolution which authorizes the transfer of a number of employees who currently participate in the employees' combined system of the Maryland State Retirement System to the Law Enforcement Officers' Pension System (LEOPS) within the Maryland State Retirement System. She stated that the transfer will allow individuals who become Talbot County Sheriff's Deputies after July 1, 2021 to join LEOPS, which permits the deputies to retire after 25 years of service instead of 30 years. Ms. Lane stated that over the years, the request to join LEOPS had been made by several Talbot County Sheriffs and deputies, and that joining LEOPS will help ensure Talbot County is more competitive in recruiting and retaining law enforcement personnel.

AN ADMINISTRATIVE RESOLUTION AUTHORIZING PICK-UP RESOLUTION FOR THE MARYLAND STATE RETIREMENT AND PENSION SYSTEM OF THE TALBOT COUNTY SHERIFF'S OFFICE was brought forward for introduction. Prior to introduction, Ms. Lane provided an overview of the administrative resolution which authorizes the "pick-up" (the County's portion of monies paid into the Maryland State Retirement System for individuals joining the Sheriff's Office). She stated that the "pick-up" is a requirement of the Maryland State Retirement System and the Internal Revenue Code in order that those monies are not taxable to County employees for federal tax purposes. Ms. Lane stated that the administrative resolution also requires that the contributions must be made to the Maryland State Retirement System, not to the individual employees. She stated doing so ensures that contributions made by the County on behalf of its employees to both systems are made in the same manner. Council discussion ensued.

The administrative resolution authorizing a transfer to the Law Enforcement Officers' Pension System (LEOPS) was read into the record by the Clerk. Upon motion by Mr. Divilio, seconded by Mr. Leshner, the Council approved the administrative resolution by voting 5 – 0 as follows:

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

The administrative resolution authorizing a "pick-up" resolution for the Maryland State Retirement and Pension System of the Talbot County Sheriff's Office was read into the record by the Clerk. Upon motion by Mr. Leshner, seconded by Mr. Divilio, the Council approved the administrative resolution by voting 5 – 0 as follows:

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

Mr. Divilio stated that it was his understanding that the motion and second with regard to the resolutions had been made for introduction of the administrative resolutions, not for approval of same; Patrick Thomas, Acting County Attorney, concurred with Mr. Divilio's statement. Upon

motion by Mr. Divilio, seconded by Ms. Price, the Council approved the Administrative Resolutions by voting 5 – 0 as follows:

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

VII. County Manager’s Report:

- A. Format of Council Meetings through June 2021 – Requested Council approval to resume in-person Council meetings effective Tuesday, June 8, 2021. Mr. Stamp stated that the request comes following a recommendation from Dr. Maria Maguire, Talbot County Health Officer. Mr. Stamp stated that pertinent information related to the in-person meetings will be posted on the County website and Council will continue to consult with the Health Officer. Council members concurred with Dr. Maguire’s recommendation and Mr. Stamp’s request.
- B. Maryland Department of Housing and Community Development (DHCD) Housing Bonds Allocation – Requested Council approval to transfer Talbot County’s 2021 housing bond allocation in the sum of \$1,423,268 to the Maryland Department of Housing and Community Development; said bonds will be used by the State to fund various housing programs, including assisting first-time homebuyers. Upon motion by Ms. Price, seconded by Mr. Divilio, the Council approved transfer of the bond allocation by voting 5 – 0 as follows:

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

Mr. Stamp expressed his appreciation to County Engineer, Ray Clarke, and the Department of Public Works for their work on the update to the County’s Solid Waste Management Plan, and to the Public Works Advisory Board and the Planning Commission for their assistance in moving the project forward. Mr. Stamp commended Finance Director, Angela Lane, the Finance Office staff, and all other department heads for their work on the FY2022 budget.

VII. Public Comments: Members of the public were afforded an opportunity to comment on matters of interest to them.

VIII. Council Comments:

Mr. Leshner - No comments.

Mr. Pack - Mr. Pack stated that he had not prepared any comments, but listening to, in his opinion, the passion with which the callers spoke during public comments he is moved to once again request that the “Talbot Boys” statue be moved from the courthouse grounds and placed in a more appropriate location in the county that is more fitting. He outlined several good things that the present Council had done, including hiring more diverse staff,

overwhelmingly supporting the Transgender Day of Visibility, and establishing the Frederick Douglass Park on the Tuckahoe. Mr. Pack stated that, in his opinion, all the good things the Council has done will go by the wayside because this Council refused to move the Confederate statue off the courthouse grounds. He stated that he regrets that all the good this Council has done will be for nothing if we do not remove the statue. Mr. Pack stated that he wants to add his voice and support to the callers requesting that this Council show leadership and courage to move the statue, as have many other counties in the nation, even in Georgia and Mississippi - it's something he wishes this Council would deal with. He commended county citizens who have received their first dose of the COVID-19 vaccine, and encouraged those who had not yet done so to, in his opinion, do their part and get vaccinated. He stated that the Council will be going back into the courthouse in June, and restaurants and stores have opened back up without requiring social distancing. He stated that Talbot County is currently at a 57 percent vaccination rate but, in his opinion, we can do better and we should do better. Mr. Pack concluded his comments by commending Talbot County Health Officer, Dr. Maria Maguire, and Nancy Andrew of the COVID Equity Taskforce, for reaching out to various populations in the community and encouraging them to get vaccinated.

Ms. Price – No comments.

Mr. Divilio - Mr. Divilio stated that one of the Neighborhood Service Center shelters had recently had a sewage leak which reminded him of the process of shopping for a house over the past year and the failed septic inspections at several of the homes on which he had had a contract. He stated that one septic system which had failed miserably and was leaking into the yard had been installed in 1953 and had never been replaced. He stated that when there is a leak in a sewer line, an alarm goes off, we race to it and clean it up. However, oftentimes homeowners are not aware that their septic system is leaking. Mr. Divilio stated that he will be requesting that County Engineer, Ray Clarke, provide information on the number of sewers/septic systems in the county that have been repaired or replaced in the past year, which, in his opinion, will be a lot more than the two or three leaks the County has had over the same timeframe. He expressed his appreciation to Mr. Clarke for his expediency in preventing a catastrophe. He reminded those who are concerned about forthcoming sewer lines that there are alarms in place which notify County staff when there is a problem, unlike when homeowners have an issue with a septic tank overflowing and may not be aware of the leak and/or have the money to replace the system and have to wait for the County to come to their aid – that, in his opinion, is a hazard and is dangerous. Mr. Divilio concluded his comments by reminding everyone that although there is a lot of talk about these “scary” sewer lines, the County Engineer makes sure that the lines are safe and clean.

Mr. Callahan - Mr. Callahan stated that, in his opinion, although Council members are sometimes on the opposite side of matters, at the end of the day, we passed a budget which is going to help a lot of people and make the community safer. He stated that the budget includes funding for a new facility for the Sheriff's Department in the next few years; the County is joining the Law Enforcement Officers' Pension System (LEOPS); and the fire departments are being provided with more funding. He stated that all you have to do is read through the budget to understand what the voters wanted. Mr. Callahan expressed his appreciation to Angela Lane for all her hard work over the past 25 years for the Council, the community and County employees. He stated that the County has hired someone to fill the role of Finance Director and has hired a new Director Human Resources. Mr. Callahan expressed his appreciation to County Manager, Clay Stamp, for working very hard to get some

departments up and running and he is proud of all the hard work the Council has done to put all these individuals in place, and reminded everyone that the Council had done so while under a state of emergency in a pandemic. Mr. Callahan concluded his comments by stating the Council members will just have to agree to disagree, which, in his opinion is what makes us all unique, but we come together to make things work.

- IX. Upon motion by Ms. Price, seconded by Mr. Divilio, the Council voted to adjourn and to reconvene on Tuesday, June 8, 2021, 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 at 6:00 p.m. for the regularly-scheduled meeting by voting 5 – 0 as follows:

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

The meeting adjourned at 8:00 p.m.

The transcript of the May 25, 2021 County Council meeting is available for review in the Office of the Talbot County Manager during regular office hours.

X. Summary of Closed Session Held on May 25, 2021:

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

Time of closed session: 5:00 p.m. to 5:45 p.m.
 Place of closed session: Via WebEx events (virtual meeting)
 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, Pack
 Members opposed: None
 Abstaining: None
 Absent: Price (arrived at 5:02 p.m.)

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	Persons present	Action taken
To discuss appointments to various County boards and committees	GP § 3-305 (b) (1)(i)	Chuck Callahan, Frank Divilio, Pete Leshner, Corey Pack, Laura Price, Clay Stamp, Jessica Morris, Patrick Thomas	No action

For legal advice on County Council’s Rules of Procedure	GP § 3-305(b)(7)	Chuck Callahan, Frank Divilio, Pete Leshner, Corey Pack, Laura Price, Clay Stamp, Jessica Morris, Patrick Thomas	No action
Update on lawsuit (Robin Ficker v. Talbot County)	GP § 3-305(b)(7) and (8)	Chuck Callahan, Frank Divilio, Pete Leshner, Corey Pack, Laura Price, Clay Stamp, Jessica Morris, Patrick Thomas	No action
For legal advice on Developer’s Rights and Responsibilities Agreement between Talbot County, Town of Easton and Shore Health System, Inc.	GP § 3-305(b)(7)	Chuck Callahan, Frank Divilio, Pete Leshner, Corey Pack, Laura Price, Clay Stamp, Jessica Morris, Patrick Thomas	Council directed staff to prepare correspondence regarding timeline
To discuss proposal from APG	GP § 3-305(b)(4) and (7)	Chuck Callahan, Frank Divilio, Pete Leshner, Corey Pack, Laura Price, Clay Stamp, Jessica Morris, Patrick Thomas	Council directed staff to prepare correspondence accepting proposal with buy back right

CASH STATEMENT 5/25/2021

BALANCE 5/18/2021	37,006,397.76
CIGNA CLAIMS PAID THRU 5/17/2021	(58,936.41)
SALES & USE HOG NECK GOLF COURSE DUE 5/20/2021	(653.39)
TOURISM POSTAGE WIRE	(500.00)
USDA/RD QTRLY BOND PYMT #92-14	(13,086.00)
USDA/RD QTRLY BOND PYMT #92-16	(6,626.00)
RETIREMENT GIFT CARDS (3)	(750.00)
POSTAGE WIRE	(3,000.00)
RETURNED VALUE PAYMENTS	(4,934.09)
DEPOSITS	1,023,682.57
CHECKS	(422,595.32)

BALANCE 5/25/2021 **37,518,999.12**

INVESTMENTS - CERTIFICATES OF DEPOSIT

<u>Certificate Date</u>	<u>Maturity Date</u>	<u>Yield</u>	<u>Amount</u>
PNC-MLGIP INVESTMENTS TOTAL		0.04%	20,500,000.00
BAYVANGUARD BANK			10,174,657.19
TOTAL INVESTED			<u>30,674,657.19</u>
PETTY CASH BALANCE			<u>12,275.00</u>
<u>GRAND TOTAL ALL FUNDS</u>			<u>68,205,931.31</u>