



# Talbot County, Maryland



Easton, Maryland

MINUTES

January 28, 2014

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

- I. Agenda – Mr. Pack requested and received Council’s unanimous consent for approval of the Agenda of Tuesday, January 28, 2014.
- II. Disbursements – Mr. Pack requested and received Council’s unanimous consent for approval of the Disbursements of January 21, 2014 and January 28, 2014.
- III. Presentation of Proclamation – February 2014 as National Children’s Oral Health Month – Prior to presentation of the proclamation, Renee Kilroy, Senior VP, Community-Based Programs and Public Relations, Choptank Community Health System, Inc., presented statistical information related to the oral health of children in Maryland, stating that the Eastern Shore has the highest percentage (39%) of children with untreated dental decay. She then briefed the Council on efforts made by Choptank Community Health System, Inc.’s School-Based Dental Program in Talbot, Dorchester and Caroline counties. The mission of the Program is to increase children’s access to dental care to improve the overall health of children, thus decreasing rates of school absenteeism and an increase in learning capabilities. The Clerk then read a proclamation into the record which acknowledged the prevalence of tooth decay in children, and emphasized the value of good oral hygiene and regular dental treatment. Upon motion by Mr. Duncan, seconded by Mr. Bartlett, the Council approved the proclamation by voting 5 – 0 as follows:

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

Ms. Price presented the Proclamation to Ms. Kilroy and Shelley Andrews, Director of Community-Based Programs and Marketing, Choptank Community Health System, Inc., who accepted on behalf of their organization.

- IV. Introduction of Legislation:

A BILL TO AMEND CHAPTER 190 OF THE *TALBOT COUNTY CODE* TO ALLOW COTTAGE INDUSTRY AS AN ACCESSORY, SECONDARY USE TO A RESIDENTIAL USE IN THE AC, CP, WRC, RC, TC, VC1, VC2, VC ZONING DISTRICTS AND TO REQUIRE MAJOR SITE PLAN APPROVAL AND BIENNIAL USE CERTIFICATES was brought forward for introduction. Prior to introduction, Assistant Planning Officer, Mary Kay Verdery, briefed the Council on the purpose of the proposed legislation. She stated that the proposed legislation would allow Cottage Industry as an accessory use instead of a Special Exception to a residential use by requiring major site plan approval from the Planning Commission. Ms. Verdery stated that the benefits of requiring a major site plan include the following: provides for notification of adjoining property owners; requires applicants to address compliance with the County Comprehensive Plan; requires that design standards assess the effects on

surrounding development, communities, facilities, Open Space and available utilities; and provides an opportunity for future compliance inspections through required biennial use certificates. She stated that accessory use status would allow applicants an opportunity to request a variance from specific standards through the Board of Appeals; permission for minor variances would be granted by the Planning Officer upon recommendation by the Planning Commission. Ms. Verdery stated that the Planning Commission, at its January 2014 meeting, had unanimously recommended that the Council approve the proposed amendments. Council discussion ensued with Ms. Verdery. The Clerk then read the legislation into the record. The legislation was introduced by Mr. Hollis, Mr. Pack, and Ms. Price as Bill No. 1259. A public hearing was scheduled for Tuesday, February 25, 2014 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

V. Public Hearing:

Resolution No. 209, A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN TO PROVIDE PERMANENT ALLOCATION OF WASTEWATER CAPACITY WITHIN THE TALBOT COUNTY REGION II WASTEWATER TREATMENT SYSTEM (“REGION II SYSTEM”) TO THE MARTINGHAM SEWER SERVICE AREA (“SSA”) AND TO INCREASE EXISTING FLOWS WITHIN THE REGION II SYSTEM FROM MARTINGHAM SSA BY 40,500 GALLONS PER DAY was read into the record by the Clerk and brought forward for public hearing. Prior to the public hearing, County Engineer Ray Clarke stated that although Resolution No. 209 was introduced in December, the matter was unable to be placed on the Planning Commission’s agenda for January 2014; the Planning Commission will review the matter at its meeting on Wednesday, February 5, 2014. Mr. Clarke stated that the Public Works Advisory Board, at its meeting on January 8, 2014 recommended by a unanimous vote of 4 – 0 that the Council adopt Resolution No. 209; there is currently one vacancy on the Public Works Advisory Board. The Public was then afforded an opportunity to comment on the legislation. He stated his office had received a letter from the Town of St. Michaels in support of Resolution No. 209, with the following caveats: that the reallocation is for existing housing in the Martingham community and will not sponsor new growth in Martingham, and that the sanitary sewer rehabilitation in progress will continue to be supported for the remaining streets in town, as well as for the needed rehabilitation of the Grace Street pump station. Mr. Craig stated that Mr. Clarke had attended the January 8<sup>th</sup> meeting of the Commissioners of St. Michaels, at which time the proposed legislation had been discussed and the Town had been invited to attend the public hearing to offer comment. The Council deferred the vote on Resolution No. 209 until Tuesday, February 11, 2014 in order to provide the Planning Commission an opportunity to make a recommendation on the matter.

VI. Quarterly Update by Talbot County Board of Health – Kathy Foster, R.N., M.S., Talbot County Health Officer – Ms. Foster briefed the Council on the following: (1) Maryland Senate Bill 104 (SB104) – She stated that if the legislation passes, it would allow local health departments to keep funds which are derived from collection of certain fees (with some exceptions) for use in the next fiscal year. She stated that the fees would be required to be used for health department programs and functions, but not necessarily specific programs; the use of such funds would be required to be reported to the Secretary of Health and Mental Hygiene. Ms. Foster stated that many programs which in the past have been funded through grants are being replaced by a fee for service as a result of the Affordable Care Act; (2) Contracting with Third Party Payers – Ms. Foster stated that Health Officers will now be allowed to decide whether to seek reimbursement for services from third party payers (private insurance companies). She stated that previously, Health Officers had to request the permission of the Secretary of Health and Mental Hygiene to bill third party payers for some services provided by health departments by first showing that the service was providing a need not being met in the community in the private sector. She stated that the change is the result of implementation of the Affordable Care Act which is intended to provide more individuals with health insurance even though some of the services provided by health departments may not be available through the private sector in their communities; (3) Flu Season – Ms. Foster stated that cases of the flu,

which normally peak at the end of February through mid-March are already becoming more prevalent in our area; she encouraged those who had not yet done so to get a flu shot; (4) Ms. Foster stated that in recent days, her office had received numerous telephone calls from individuals who expressed concern that some children were inappropriately dressed for the severely cold weather. She stated that individuals should protect themselves against the cold by covering all body surfaces to protect against frostbite, the signs of which include numbness, tingling and color changes in color to the affected skin; Ms. Foster recommended individuals should dress in layers, and have small children use mittens rather than gloves; (5) Ms. Foster stated that members of the Health Department staff which temporarily relocated to the County Office Building on Bay Street while renovations are being completed at the Health Department building, will be moving back to the Health Department Building on or about February 18, 2014. Ms. Foster thanked Facilities Manager Brian Moore and his staff for their assistance during the renovation process.

VII. County Manager's Report:

- A. Talbot County Adult Public Guardianship Review Board – Requested Council approval for the reappointment of Don Pennington, Tom McCarty, and Kate Stinton to three-year terms on the Talbot County Adult Public Guardianship Review Board as lay representative, disabilities representative, and Health Department representative, respectively; said terms will expire on January 1, 2017. Upon motion by Mr. Bartlett, seconded by Mr. Hollis, the Council approved the reappointments by voting 5 – 0 as follows:

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

- B. Talbot County Agricultural Resolution Board – Requested Council approval for the reappointment of Dr. Chad Hutchison to a four-year term on the Talbot County Agricultural Resolution Board as a representative of the agricultural community; said term will expire on July 1, 2017. Upon motion by Mr. Hollis, seconded by Mr. Duncan, the Council approved the reappointment by voting 5 – 0 as follows:

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

- C. Emergency Sewer Repair for the Department of Corrections – Requested Council approval to utilize additional contingency funds in a sum up to \$40,000 for continued emergency repairs to the sewer lines at the Department of Corrections; Finance Director Angela Lane certified that contingency funding is available for the project. Mr. Craig stated the Council, at their meeting on January 14, 2014, had approved utilizing up to \$50,000 in contingency funding for emergency repairs to a portion of the main sewer line at the Department of Corrections. He stated that during the repair process it was discovered that the sewer lines that connect to the main sewer line also needed to be repaired. Mr. Craig stated that total repairs are anticipated to be approximately \$78,500, with additional costs related to the repairs (replacement of concrete and tiling, etc.) to cost approximately \$11,500 for a total project cost of approximately \$90,000. Council expressed appreciation to Director Doug Devenyns and Facilities Manager Brian Moore for their coordination and oversight of the various aspects of the project. Upon

motion by Mr. Bartlett, seconded by Mr. Duncan, the Council approved the use of additional contingency funding in a sum up to \$40,000 for the emergency repairs by voting 4 – 0 as follows:

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

Mr. Hollis was absent from the room when the vote was taken.

- D. Upcoming Weather Event – Mr. Craig stated that Talbot County is anticipated to receive up to three inches of snow overnight and urged those who were traveling to continue to drive safely. He stated that the County Roads Department continues to salt the roadways; however, if temperatures do not rise above freezing, the snow and ice will not melt.

VIII. Council Comments:

Mr. Bartlett – No comments.

Mr. Hollis - No comments.

Ms. Price - Ms. Price commended staff of the Roads Department who have worked tirelessly over the past week.

Mr. Duncan - No comments.

Mr. Pack - Mr. Pack extended his appreciation to the staff to the Roads Department and the Department of Emergency Services for their assistance with issues related to the most recent weather event. He reiterated Ms. Foster’s earlier comments that those who plan to be outside during bitterly cold weather should make sure to dress appropriately; he also urged citizens to check on their neighbors, particularly if they are elderly. Mr. Pack concluded his comments by offering his condolences to County Attorney Mike Pullen and his family on the recent death of Mr. Pullen’s father in Florida.

- IX. Upon motion by Ms. Price seconded by Mr. Duncan, the Council voted to adjourn to Executive Session for discussion of legal, personnel, and real estate matters and to reconvene in Executive Session at 12:30 p.m. on Tuesday, February 11, 2014 for discussion of legal, personnel, and real estate matters, and at 1:30 p.m. in the regularly scheduled legislative session by voting 5– 0 as follows:

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

The meeting adjourned at 7:08 p.m.

The transcript of the January 28, 2014 County Council meeting is available for review in the Office of the County Manager during regular office hours.

X. On Tuesday, January 28, 2014, an Executive Session of the Talbot County Council convened at 5:05 p.m. in the County Council Conference Room and the Bradley Meeting Room. Upon motion by Ms. Price, seconded by Mr. Duncan, the Council met in Executive Session by voting 5-0 as follows:

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

In accordance with State Article § 10-508 (a)(1)(i)(7)(8) the purpose of the Executive Session was for personnel matters to discuss appointments to various County boards and committees; for a legal matter to receive an update on pending litigation involving the County. The Executive Session recessed at 6:00 p.m. and reconvened at 7:15 p.m. The Executive Session ended at 8:10 p.m.

**CASH STATEMENT 1/21/2014**

<b>BALANCE 1/14/2014</b>	\$30,820,247.19
UHC CLAIMS THRU 1/14/2014	(48,839.37)
POSTAGE WIRE-TOURISM	(1,000.00)
TRANSFERS FROM AIP36 TO GEN FUND TO CLOSE ACCT.	29,399.41
BANK CHARGES 12/2013	1,590.09
INTEREST ON ACCTS 12/2013	6,673.99
DEPOSIT TICKETS-TALBOT BANK	(224.93)
PAYROLL – FD/SS/MS WH 1/17/2014	(122,045.54)
SECU DED	(6,886.64)
DEFERRED COMP DED	(10,043.49)
MD WH	(30,244.63)
PENSION DED	(30,376.75)
ACH TRANSFER	(10,331.75)
FLEX SPENDING ACCT	(2,718.70)
DEPOSITS	1,377,253.22
CHECKS	(672,562.26)
<b>BALANCE 1/21/2014</b>	<b><u>31,296,709.66</u></b>

**AIRPORT ACCOUNTS**

AIP-RUNWAY 4-22 EXTENSION ANALYSIS	--
AIP36	29,399.41
TO CLOSE ACCT	(29,399.41)
AIP37	303.68
AIP39	--

**AIRPORT ACCOUNTS TOTAL BALANCE 303.68**

**INVESTMENTS – CERTIFICATES OF DEPOSIT**

<u>CERTIFICATE DATE</u>	<u>MATURITY DATE</u>	<u>RATE</u>	<u>AMOUNT</u>
-------------------------	----------------------	-------------	---------------

PNC-MLGIP INVESTMENTS TOTAL	0.06%	18,000,000.00
<b>TOTAL INVESTED</b>		<b><u>\$18,000,000.00</u></b>
<b>PETTY CASH BALANCE</b>		<b><u>\$8,570.00</u></b>
<b>GRAND TOTAL ALL FUNDS</b>		<b><u>\$49,305,583.34</u></b>

**CASH STATEMENT 1/28/2014**

<b>BALANCE 1/21/2014</b>		\$31,296,709.66
UHC CLAIMS THRU 1/21/2014		(14,302.22)
STOP PAYMENT/TAXES		(986.78)
SUMMONS ACCOUNT TRANSFER		(552.50)
ST ADMIN BRD-ELECTONS PPE 12/24/2013&1/7/2014		(10,265.68)
TAL CO MD C ONSOLIDATED PUB IMP&REFDG BOND-2006		(418,551.90)
MDE/MD WATER QUALITY REVOLVING LOAN FUND		(517,423.54)
DEPOSITS		398,398.61
CHECKS		(360,774.71)
BALANCE 1/28/2014		30,372,250.94

**AIRPORT ACCOUNTS**

AIP-RUNWAY 4-22 EXTENSION ANALYSIS		--
AIP37		303.68
AIP39		--

**AIRPORT ACCOUNTS TOTAL BALANCE 303.68**

**INVESTMENTS – CERTIFICATES OF DEPOSIT**

<u>CERTIFICATE DATE</u>	<u>MATURITY DATE</u>	<u>RATE</u>	<u>AMOUNT</u>
PNC-MLGIP INVESTMENTS TOTAL		0.06%	18,000,000.00
<b>TOTAL INVESTED</b>			<b><u>\$18,000,000.00</u></b>
<b>PETTY CASH BALANCE</b>			<b><u>\$8,570.00</u></b>
<b>GRAND TOTAL ALL FUNDS</b>			<b><u>\$48,381,124.62</u></b>