

# TALBOT COUNTY, MARYLAND

**MINUTES** County Council September 14, 2021

Present – President Chuck F. Callahan, Vice President Pete Lesher, Frank Divilio, Corey 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, September 14, 2021.
- <u>Disbursements</u> Mr. Callahan requested and received unanimous consent for approval of the II. Disbursements of Tuesday, August 31, 2021, Tuesday, September 7, 2021, and Tuesday, September 14, 2021.
- III. <u>Discussion of County Repurposing Center</u> – Warren Edwards, Roads Superintendent; Joye Nagle, Finance Director – Prior to discussion, Mr. Edwards briefed the Council on the recycling of various materials by the Roads Department over the past four years for the Department's own use and provided information on materials proposed to be processed at the Repurposing Center including, concrete, asphalt, and tree wood, should Council approve moving forward with the project. He stated that the two pilot projects conducted to determine the feasibility of a repurposing center had been, in his opinion, successful. Ms. Nagle stated that \$750,000 was budgeted in FY22 for the project; however, the amount needed to purchase/lease necessary equipment to establish the repurposing center totals \$1,026,152 (\$276,152 more than was budgeted). Council discussion ensued with Mr. Edwards and Ms. Nagle regarding various facets related to the establishment of a repurposing center. Upon motion by Mr. Pack, seconded by Mr. Divilio, the Council approved the Roads Department's borrowing of \$276,152 from the General Fund to be utilized for the establishment of a repurposing center by voting 5 - 0 as follows:

Mr. Callahan – Aye Mr. Divilio – Ave Mr. Lesher – Aye Ms. Price – Aye

Mr. Pack – Aye

The monies will be repaid to the General Fund from revenues received by the repurposing center.

IV. <u>Update on Easton Airport Obstruction Removal Program – Phase 2: Request to Town of Easton to Exempt</u> Easton Airport from the Forest Conservation Act when Complying with the Requirements of 14 CFR Part 77 – Micah Risher, Airport Manager – Mr. Risher updated the Council on the status of Phase 2 of the obstruction removal program at Easton Airport which involves approximately 11.6 acres of trees at Easton Airport and the outstanding matters related to same which remain to be resolved. Mr. Risher stated that the Town of Easton is currently in the process of changing its Forest Conservation Ordinance and requested Council's approval to forward a letter to the Town of Easton requesting the Town consider an amendment to its Forest Conservation Ordinance so that the Ordinance is consistent with State law which exempts the cutting or clearing of all trees that affect navigable airspace from the requirements of the Forest Conservation Act. He stated that the Ordinance currently exempts only those trees on the Airport's

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property. Council discussion ensued with Mr. Risher. Upon motion by Mr. Pack, seconded by Ms. Price, the Council approved forwarding a letter to the Town of Easton requesting consideration of an amendment as presented by voting 5-0 as follows:

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

V. Council Action on Talbot County Board of Liquor License Commissioners Resolution No. 2021-01, A
RESOLUTION OF THE TALBOT COUNTY BOARD OF LIQUOR LICENSE COMMISSIONERS
ADOPTING RULES AND REGULATIONS FOR THE SALE FOR OFF-PREMISES CONSUMPTION
AND DELIVERY OF ALCOHOLIC BEVERAGES – Patrick Thomas, Acting County Attorney, briefed
the Council on the request, stating that in 2020, during the pandemic, Governor Hogan signed an Executive
Order which allowed businesses holding certain alcoholic beverage licenses to provide delivery and carryout of alcoholic beverages to their customers. Mr. Thomas stated that the Executive Order has since
expired; however, the Maryland General Assembly passed a bill allowing local Board of Liquor License
Commissioners to adopt similar legislation for their specific county. Mr. Thomas stated that since Talbot
County's liquor ordinance is set forth in the County Code, Council approval is required. He stated that the
State law is temporary and will expire in two years; Council discussion ensued. Upon motion by Mr.
Lesher, seconded by Mr. Divilio, the Council approved Talbot County Board of Liquor License
Commissioners Resolution No. 2021-01 by voting 5 – 0 as follows:

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

### VI. <u>Introduction of Administrative Resolutions</u>:

ADMINISTRATIVE RESOLUTION OF THE COUNTY COUNCIL OF TALBOT COUNTY PROVIDING FOR THE COMPLETION AND CREATION OF A CIVIL WAR UNITY MONUMENT AND ESTABLISHING A FUND FOR ALL CITIZENS TO COME TOGETHER IN A JOINT EFFORT TO RECOGNIZE TALBOT COUNTY'S ROLE IN THE CIVIL WAR was read into the record by the Clerk and brought forward for introduction. Ms. Price, the sponsor of the administrative resolution, stated that she would not be introducing the administrative resolution this evening, but would instead be requesting that the Office of Law re-draft the language outlined in the administrative resolution into a numbered resolution format for introduction in 2 to 4 weeks. She stated that, in her opinion, it should go through the public hearing process, and outlined her reasons for same. Council discussion ensued. No further Council action was taken.

ADMINISTRATIVE RESOLUTION OF THE COUNTY COUNCIL OF TALBOT COUNTY AUTHORIZING THE RELOCATION OF THE TALBOT BOYS STATUE was read into the record by the Clerk and brought forward for introduction. Mr. Divilio, the sponsor of the administrative resolution, read the following statement into the record:

Tonight, I am submitting a resolution to relocate the Talbot Boys Statue from the Courthouse

Grounds to the Cross Keys Battlefield near Harrisonburg Virginia. At this time, I have secured a commitment from the American Battlefield Trust to accept the Talbot Boys as well as commitments to fund the move at no cost to Talbot County taxpayers. The Cross Keys Battlefield is part of the American Battlefield Trust – a non-profit organization that preserves America's hallowed battlegrounds and educates the public about what happened there and why it matters. The Cross Keys Battle was fought in the summer of 1862 as part of the Shenandoah Valley Campaign – a series of battles where Talbot County blood was shed on both sides. A few weeks before the Battle of Cross Keys at the Battle of Front Royal, Talbot County brothers were literally fighting against their brothers, and when Union prisoners were taken, many recognized former friends and family – including William Goldsborough who captured his own brother, Charles. William, in his later writings, said about the event..."nearly all recognized old friends and acquaintances, whom they greeted cordially, and divided with them the rations which had just changed hands". If the Talbot Boys make this move, they will help tell the story of the Civil War and how communities and families were divided, unfortunately, much as we are today. Cross Keys Battlefield is an appropriate new home for the Talbot Boys where the monument will be cared for with respect and be part of teaching history for generations to come. Since our community learned of my proposal, I've received a lot of questions, but one of the most frequent has been...Why move the Talbot Boys out of Talbot County? The simple answer is that no one wanted it. No one wanted to subject themselves, their business, their organization, or their government to backlash from agreeing to accept Talbot Boys on their property. Throughout this process it has been very important to me the Talbot Boys be treated with respect and if the decision was made to move it, there needed to be a new location identified that would be able to keep it and maintain it for the long term. Unfortunately, no such option existed locally, and I feared that the situation would devolve, much like it has in other parts of our country, and our Courthouse grounds would be vandalized and the Talbot Boys would be destroyed. Another question I've gotten a lot is... Why have you changed your mind? My initial position on this issue was to let the people of Talbot County decide the fate of the Talbot Boys and put the question on the 2022 ballot. While I still feel this would have been the best course, we can no longer delay a resolution. The Talbot Boys issue has divided our community for too long and has sidelined many other important things the County Council and County Government needs to address. County services have suffered because of this debate and the toll that it is taking on the County residents, businesses and the County staff. We need to get the business of running the County back on track and move forward with:

- COVID-19 recovery and how to allocate relief funds and support our business community;
- Ensuring that there is reliable cell phone coverage in every corner of Talbot County;
- · Rolling out broadband access to every Talbot County home and business;
- · Updating our Public Safety infrastructure and services;
- · Providing better and more timely customer service to County residents seeking permits, and more

The last question I've gotten a lot is... Why did you submit this as an administrative resolution that does not allow for public comment? I believe in transparency and public engagement in local government. And while I understand the frustration of many who would have liked a public comment period on this resolution, I believe that the Council is well-versed in how the community feels about the Talbot Boys after 18 months of hearings, protests, yard signs, calls, letters, demonstrations, news stories, blog posts and text messages. We will do more harm than good by delaying this decision any longer. It's time to make a decision and move forward. Tonight I might make some new friends, I might lose some old ones. But the people of Talbot County elected me to make decisions and use my judgement to make Talbot County better, and some decisions are

harder than others. I believe that moving the Talbot Boys to a place of respect and allowing our community to move forward is what is best for Talbot County. I never would have thought that this would be the defining issue of my first term on the County Council, but here we are, and it's time to bring this to resolution so we can shift our focus to rebuilding our relationships and coming together to build a 21st century Talbot County. I'm proud to be from Talbot County – and I embrace our history – all of it – the good, the bad and the ugly – because it made this the community the place where I chose to raise my family –and I will continue doing everything I can to help Talbot County be the place where my sons can thrive and call home for a lifetime.

### Mr. Lesher then read the following statement into the record:

For generations, the voices of Talbot County's African Americans were unheard and ignored too often. Now that they have allies across racial, ethnic, and economic divide, we are beginning to hear them and give them due respect. It is clear that the presence of this statue on the courthouse square would continue to rankle. Tonight's move is simply overdue. The monument is a misrepresentation of history, suggesting an inflated number of Talbot County residents fought against Maryland and against the United States in America's new birth of freedom. In fact, Talbot County voted overwhelming for pro Union candidates to a potential secession convention that never met. This monument is simply not good history. And this statue shows a young Confederate soldier, not in surrender, but going off to war in his fresh uniform to fight a lost cause. In this excelsior portrayal, from Longfellow's poem, he is noble, heroically prepared to give his life to preserve a way of life that was economically sustained through enslaved black labor. I want to thank and commend Council Member Divilio for his diligence in identifying and securing an honorable and appropriate destination for the statue. We've heard the testimony from over a thousand voices over the past 15 months. And the overwhelming majority of Talbot County citizens who have spoken out have requested removal of the monument from the public space of the courthouse square to a more appropriate place. We have heard from the public on this issue more than we have heard on any other issue by order of magnitude. In talking with my constituents, with a handful of strident exceptions, they either want this statue removed or they are just tired of this issue and want us to move on to the issues that will meaningfully address their quality of life. This resolution will bring us closer to resolution. There is still much work to do to make Talbot County an equitable and just place for all to live and work and thrive.

Mr. Pack -Mr. Pack stated that he concurred with Mr. Lesher's statement commending Mr. Divilio for securing a location and private funding to move the statue. Mr. Pack stated that he had previously indicated that he did not want to see public monies spent for removal and relocation of the statue. He stated that he knows about the change of heart process himself as in 2015 when leading the Council and voting to keep the statue in place. He reiterated a previous statement that although we may not know the individual reasons why these men went off to fight for the Confederacy, we do know what the Confederacy most notably stood for – the enslavement of black people. He stated that had the Confederacy won, in his opinion, the enslavement would have continued as written within the documents of the Articles of Confederacy. Mr. Pack noted the Compromise of 1877 and the Jim Crow laws at the beginning of the 20<sup>th</sup> century, stating that these statues came about at the turn of the 20th century to, in his opinion, glamorize the lost cause of the Confederacy, Mr. Pack stated that he has been where Mr. Divilio appears to be now – to have had a change of heart. He stated that, in his opinion, it requires reflection of self and you have to believe in your heart it is the right thing to do. He stated that you are going to lose some friends and make some friends, but that's okay, because at the end of the day you can go home and rest your head on your pillow believing that you have done the right thing. Mr. Pack again

commended Mr. Divilio for his change of heart. He stated that his response to a reporter when asked what it was going to take to move the statue was that it was going to take a change of heart. He expressed his appreciation to those who has posted signs and sent emails and stated that he believes that this is the right thing for Talbot County – it is not erasing history, it is just relocating a statue to another location where it can live out its days, and that, in his opinion, to have the statue in front of the courthouse which still has the draped flag of the Confederacy and CSA on the buckle of the young man knowing what that stood for glamorizes a period of time when not everyone was free and it is not appropriate for this day and time. He commented on statues being removed from Richmond, Virginia, the capital of the Confederacy, and all across the south, and done so respectfully. He stated that no one is talking about dragging the statue down and pulling it out into the Tred Avon and dumping it. Mr. Pack concluded his comments by stating that he supports Mr. Divilio's resolution as it is laid out and it will not cost the taxpayer one nickel.

Ms. Price -

Ms. Price stated that the Council had been receiving a lot of emails and that, in her opinion, moving the statue out of the county is one thing, moving it out of state is quite another. She reiterated her previous statement that the reason she is delaying introduction of her resolution is because it deserves feedback from the public. She stated that there are individuals who support moving the monument but do not support moving it to Virginia. She stated that the public had only become aware of Mr. Divilio's administrative resolution last Friday and she requested his consideration to delay introduction of the administrative resolution and to reintroduce it as a numbered resolution instead so the public could comment at a public hearing. She stated that, in her opinion, there are a lot of people who would be supportive of moving the monument, but don't want it to go to Virginia. She stated that she has a problem with that and would much rather have compromised and figure out another solution, "but if this is going to be the solution that passes, all the citizens deserve a proper public hearing, and for the same reason that I pulled my administrative resolution, I believe that this is wrong and it does not have anything to do with her opinion as to whether it should stay as is, become a unity monument, or go - it has everything to do with process; after 11 years, you have to learn to do the process right." Ms. Price stated that it was her understanding that there are three people who support the proposal and, in her opinion, they will still be supporting it in two weeks or four weeks when we can have a proper public hearing. She stated that she agreed with Mr. Divilio in that she also did not want the next election to be about this matter and she had hoped the Council could have gotten the matter on the ballot in 2020, but due to Maryland State Legislature rules, it could not happen. She stated that she does not want the matter to linger until 2022 because even though several of us are not running in the next election, she cares about who is on the Council and wants them elected for which members of the County Council should be elected, and that is one reason she tried to propose a compromise resolution. Ms. Price stated that, in her opinion, there is not an overwhelming sentiment for moving the statue, especially the minute the relocation proposal got out; we may hear more from one side – those who choose to show up here and those who choose to write to us. She expressed her appreciation to those who are motivated to come out. She stated that of the 200 emails that the Council had received in the past several days, it is not overwhelming one way or the other; it is very divided and I don't want that for our community, which is why she proposed a compromise. Ms. Price concluded her comments by stating that, in her opinion, the Council members have been disrespected for the last year and a half and that it is important to try to listen to everyone and asked that everyone respect that.

Mr. Callahan – Mr. Callahan expressed his appreciation to members of the public for the respect and feelings shown in their emails over the last ten days. He concurred with Ms. Price's statement that there is division on the matter and the Council has been dealing with it for six or seven years and, in his opinion, it has been tough on all of us; it's tough sitting up here making these decisions, but that's what we have been voted in to do. Mr. Callahan commended Mr. Divilio for his change of heart but stated that he is not there and, it's unfortunate, in his opinion, the way Mr. Divilio went about it, he doesn't like it, and feels it is a mistake to move the statue from here. Mr. Callahan stated that he has always been open-minded to listen to everyone and that if we were going to move it, he would have liked to have had the opportunity for the public to have input because, in his opinion, they would not have liked it. He stated that he can live with the statue moving off the courthouse grounds and no one ever heard him say "don't move it off the courthouse." Mr. Callahan stated that there are several monuments on the courthouse grounds – the whole courthouse is nothing but history and deep roots for a lot of people and there are 84 names on the statue. He stated that, in his opinion, not enough time has been given to decide where we are going to put the statue and now there will be a whole new group of people who will be upset. He concurred with Mr. Pack's statement that by making these decisions we are going to lose some friends but the people he has spoken with have been very respectful of his decisions, acknowledging not all of his decisions have been the right decision. Mr. Callahan concluded his comments by stating that just because the monument is going to move, does not mean, in his opinion, that there aren't some scars that are going to go away - it just is not going to happen. He stated that he had spent many nights thinking about whether this would make the county better; there's nobody here that thinks more of this community than he does, and he would not be sitting here and putting himself and his reputation on the line if he thought it was the right thing to do, but in his opinion, we are making a mistake – the statue should stay here.

Council discussion ensued. Ms. Price requested clarification from Mr. Thomas as to whether the statue was considered to be County Real Property and therefore a public hearing is required to be held prior to its disposal; Mr. Thomas stated that, in his legal opinion, it was not. Upon motion by Mr. Lesher, seconded by Mr. Pack, the administrative resolution was brought forward for vote with the Council voting 3-2 as follows:

Mr. Callahan - Nay Mr. Divilio – Aye Mr. Lesher - Aye

Ms. Price stated that she would be abstaining since, in her opinion, the administrative resolution being considered should be reintroduced as a numbered resolution. Mr. Lesher called for a Point of Order as to whether Ms. Price could abstain from voting if she had no conflict of interest; Ms. Price changed her vote to Nay.

Ms. Price – Nay Mr. Pack - Aye

#### VII. Public Hearings:

Resolution No. 304, A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN TO REVISE CHAPTER THREE – AMENDMENT PROCEDURES, was read into the record by the Clerk and brought forward for public hearing. Prior to the public hearing, Ray Clarke, County Engineer, stated that the Planning Commission, at their meeting on Wednesday, September

1, 2021, voted to table Resolution No. 304 until their meeting on Wednesday, October 6, 2021. Members of the public were afforded an opportunity to comment on the legislation. A continuation of the public hearing on Resolution No. 304 will be held on Tuesday, October 12, 2021 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

Resolution No. 306, A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN TO RECLASSIFY AND REMAP CERTAIN REAL PROPERTIES LOCATED AT 1004 S. TALBOT STREET (MARYLAND ROUTE 33), ST. MICHAELS, MARYLAND 21663 AND SHOWN ON TAX MAP 32 AS PARCEL 148 AND LOCATED AT 1006 S. TALBOT STREET (MARYLAND ROUTE 33), ST. MICHAELS, MARYLAND 21663 AND SHOWN ON TAX MAP 32 AS PARCEL 75 FROM "S-3" FUTURE PLANNED AREA FOR SEWER SERVICE A PERIOD OF 6-10 YEARS TO "S-1" IMMEDIATE PRIORITY STATUS, was read into the record by the Clerk and brought forward for public hearing. Prior to the public hearing, Ray Clarke, County Engineer, stated that the Planning Commission, at its meeting on Wednesday, September 1, 2021, voted to table Resolution No. 306 until the their meeting on Wednesday, October 6, 2021. Members of the public were afforded an opportunity to comment on the legislation. A continuation of the public hearing on Resolution No. 306 will be held on Tuesday, October 12, 2021 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

Bill No. 1493, A BILL TO AUTHORIZE TALBOT COUNTY, MARYLAND (THE "COUNTY") TO BORROW NOT MORE THAN SIX HUNDRED THOUSAND DOLLARS (\$600,000) IN ORDER TO FINANCE AND REFINANCE IMPROVEMENTS TO CERTAIN WASTEWATER FACILITIES IN THE COUNTY AND TO EFFECT SUCH BORROWING BY THE ISSUANCE AND SALE OF ONE OR MORE SERIES OF ITS GENERAL OBLIGATION BONDS PAYABLE FROM AD VALOREM TAXES TO BE LEVIED BY THE COUNTY; EXEMPTING THE BONDS FROM THE PROVISIONS OF SECTIONS 19-205 AND 19-207 OF THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND; AUTHORIZING THE CONSOLIDATION OF SEPARATE SERIES OF BONDS INTO ONE OR MORE BONDS; AUTHORIZING THE REFUNDING OF SUCH BONDS AND RELATING GENERALLY TO THE ISSUANCE AND SALE OF SUCH BONDS FOR SUCH PURPOSES, was read into the record by the Clerk and brought forward for public hearing. Prior to the public hearing, Ray Clarke, County Engineer, stated that the County is working with the United States Department of Agriculture/Rural Development to obtain funding for replacement of the belt filter press at the Region II Wastewater Treatment Plant in St. Michaels; Bill 1493 authorizes the borrowing of funding for the project. Mr. Clarke stated that repayment of the funds will be made by users of the Region II system. Members of the public were afforded an opportunity to comment on the legislation. Patrick Thomas, Acting County Attorney, outlined the requirement for suspension of the Council's Rules of Procedure in order that Council could bring Bill No. 1493 to vote following the public hearing. Mr. Lesher made a motion to suspend the Rules of Procedure, Ms. Price seconded the motion and Council discussion ensued. The Council approved suspension of the Rules of Procedure by voting 5-0 as follows:

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

Upon motion by Mr. Lesher, seconded by Ms. Price, Bill No. 1493 was brought to third reader with the Council voting 5-0 as follows:

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Mr. Callahan – Aye
Mr. Divilio – Aye
Mr. Lesher – Aye
Ms. Price – Aye
Mr. Pack – Aye
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Upon motion by Ms. Price, and no objection by the Council, a full reading of the legislation was waived.

The Council approved Bill No. 1493 by voting 5 - 0 as follows:

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Mr. Callahan – Aye
Mr. Divilio – Aye
Mr. Lesher – Aye
Ms. Price – Aye
Mr. Pack – Aye
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Bill No. 1493 will become effective as provided for in the legislation.

#### VIII. Eligible for Vote:

Bill No. 1492, A BILL TO ESTABLISH THE ANNUAL SALARY OF THE SHERIFF FOR TALBOT COUNTY TO BECOME EFFECTIVE FOR TERMS BEGINNING IN AND AFTER 2022 was read into the record by the Clerk and brought forward for vote. Prior to the vote, Mr. Lesher outlined the purpose of the legislation; all Council members expressed their support of same. The Council approved Bill No. 1492 by voting 5-0 as follows:

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Mr. Callahan – Aye
Mr. Divilio – Aye
Mr. Lesher – Aye
Ms. Price – Aye
Mr. Pack – Aye
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Bill No. 1492 will become effective as provided for in the legislation.

#### IX. County Manager's Report:

A. <u>Talbot County Tourism Board</u> – Requested Council approval for the reappointment of Jeff Schneider to a four-year term on the Talbot County Tourism Board as a representative of the hotel/motel sector; said term will expire on June 30, 2025. Upon motion by Mr. Pack, seconded by Mr. Divilio, the Council approved the reappointment by voting 5– 0 as follows:

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Mr. Callahan – Aye
Mr. Divilio – Aye
Mr. Lesher – Aye
Ms. Price - Aye
Mr. Pack - Aye
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B. <u>Upper Shore Aging Board of Directors</u> – Requested Council approval for the reappointment Judith Musch to the Upper Shore Aging Board of Directors; said term will

expire in September 2024. Upon motion by Mr. Pack, seconded by Mr. Divilio, the Council approved the reappointment by voting 5-0 as follows:

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

C. <u>Talbot County Weed Control Committee</u> – Requested Council approval for the reappointment of John "Jay" Shortall to a three-year term on the Talbot County Weed Control Committee; said term will expire July 1, 2024. Upon motion by Mr. Pack, seconded by Mr. Divilio, the Council approved the reappointment by voting 5 – 0 as follows:

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

D. Request from Roads Department – Requested Council approval of Road Superintendent's recommendation to utilize FY22 budgeted funds to purchase the following items: cold milling machine from the low bidder, Elliott & Frantz, Inc. (through Sourcewell discount) in the sum of \$549,661.67; sole source purchase of a portable broom pickup attachment from Chesapeake Supply Equipment Company in the sum of \$47,000, and a water truck attachment in the sum of \$14,000; and the purchase of a 2021 Chevrolet Silverado 2500 double cab pickup from Hertrich Fleet Services, Inc. in the sum of \$57,894 utilizing the State of Maryland contract. Upon motion by Mr. Pack, seconded by Mr. Lesher, the Council approved the purchases by voting 5 – 0 as follows:

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

E. Bid No. 20-13, TALBOT COUNTY REGION II (ST. MICHAELS)

WASTEWATER TREATMENT PLAN SLUDGE MANAGEMENT

IMPROVEMENTS; BELT FILTER PRESS REPLACEMENT - Requested

Council approval of the County Engineer's recommendation to award the Base Bid and Bid Alternate No. 1 for Bid No. 20-13 to the lowest responsive and responsible bidder, M2 Construction, LLC in the sum of \$566,266.00; funding for the project will be derived from the USDA/Rural Development loan for the project; any additional funding required for the project will come from Operation and Maintenance funding for the Region II facility. Council discussion ensued

with County Engineer, Ray Clarke. Upon motion by Mr. Divilio, seconded by Mr. Pack, the Council approved the bid award as presented by voting 5-0 as follows:

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

F. Request from Department of Parks and Recreation – Requested Council's approval of the Department of Parks and Recreation Director's recommendation for installation of LED lights at the Talbot County Community Center in the sum of \$155,795.00 through Sourcewell with Musco Lighting, LLC; and to replace the scoreboards at Perry Cabin Park in the sum of \$42,013.67 through Sourcewell with Nevco Scoreboards and Video Displays. State FY22 Capital Budget funding, approved through Maryland HB590, will reimburse the County for cost of the items. Mr. Stamp stated that both projects were made possible by Delegate Johnny Mautz. Council discussion ensued with Preston Peper, Director, Department of Parks and Recreation. Upon motion by Mr. Pack, seconded by Mr. Divilio, the Council approved the recommendation by voting 5-0 as follows:

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

G. Presentation of Letters of Interest for SFY22 Community Development Block Grant (CDBG) - Jessica Morris, Assistant County Manager, stated that Mary Kay Verdery, Talbot County Grant Administrator, had forwarded letters to the nonprofit organizations in Talbot County inviting them to partner with the County on a Community Development Block Grant for which the County is eligible up to the sum of \$800,000. Ms. Morris outlined the five letters of interest received as follows: (1) Polaris Village Ministries - requesting \$500,000 to rehabilitate a nonresidential structure on Port St. in Easton which will be used as a community center / child care center; (2) Chesapeake Multicultural Resource Center requesting \$125,000 to rehabilitate a non-residential structure on Higgins St. in Easton to be used as a community center and community garden; (3) Mid-Shore Pro Bono – requesting \$50,000 to continue to provide legal assistance to low-tomoderate income residents of Talbot County; (4) Foundation of Hope – requesting \$75,000 to fund a Program Coordinator position for development and empowerment training to 6<sup>th</sup> grade girls in Talbot County with programming at the Easton Middle School; and (5) Building African American Minds (BAAM) – requesting \$800,000 to construct a new academic center. Ms. Morris stated that staff had reviewed the letters of interest and is recommending to Council that the County partner with Polaris Village Ministries, Chesapeake Multicultural Resource Center, Mid-Shore Pro Bono and Foundation of Hope in this round of funding;

BAAM is still in the process of fundraising and will have an opportunity to work with the County in the next CDBG application round. Upon motion by Mr. Lesher, seconded by Mr. Divilio, the Council approved partnering with the non-profits as recommended by voting 5-0 as follows:

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

A public hearing on the Community Development Block Grant (CDBG) SFY22 Applications will be held during the Council meeting on Tuesday, September 28, 2021.

H. Appointment of County Attorney – Mr. Stamp read a statement into the record which spoke of the County Charter requirements for County Attorney to have the County Attorney be a resident of the County, the reaffirmation of that requirement by the voters in the 2020 General Election, and the subsequent process in the for a County Attorney following Acting County Attorney, Anthony Kupersmith's resignation in December 2020. Mr. Stamp outlined the process by which Acting County Attorney, Patrick Thomas, came to represent Talbot County, the current agreement with Mr. Thomas' firm, the MacLeod Law Group, which was reviewed for the County for legal sufficiency by a third party. Mr. Stamp stated that as of August 2021, Mr. Thomas meets the residency requirements for the County Attorney as outlined in the County Charter and requested Council's consideration to remove the word "Acting" from Mr. Thomas' title. Council discussion ensued with Mr. Stamp. Upon motion by Mr. Divilio, seconded by Mr. Pack, the Council approved Mr. Stamp's request by voting 5 – 0 as follows:

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

Upon motion by Ms. Price, seconded by Mr. Divilio, the Council recessed the meeting by voting 5-0 as follows:

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

The meeting recessed at 8:07 p.m. The meeting reconvened at 8:12 p.m.

X. <u>Public Comments</u>: Members of the public were afforded an opportunity to comment on matters of interest to them.

### XI. <u>Council Comments</u>:

Mr. Lesher -Mr. Lesher stated that he had had the honor of attend the 9/11 ceremonies in Tilghman and at the Avalon Stoltz Pavilion Saturday, as well as the first period virtual assembly at Easton Middle School. He stated that, in his opinion, the Easton Middle School put together an impressive tribute featuring their highly-regarded band. He stated that vesterday he had attended the Talbot County Farm Bureau tour of the Hutchison Brothers Farm where Bobby Hutchison noted that it was the best crop he has had in his 48 years of farming. Mr. Lesher stated that he learned a great deal from Mr. Hutchison as he was shown best practice storage and evidence of crop damage from deer, among other items. Mr. Lesher stated that at the last meeting the Council heard from Dr. James Kelly and Sandra Whelan. He stated that Dr. William Cerrato responded to us and wanted to make a few corrections. From Dr. Cerrato: The public comments from Dr. James Kelly and Sandra Wieland, CRNP-PMH were ignorant, ill-informed and in this time of pandemic, nothing short of dangerous. Dr. Cerrato quotes from the CDC website: "Wearing a mask does not raise the carbon dioxide (CO2) level in the air you breathe. A cloth mask does not provide an airtight fit across the face. The CO2 completely escapes into the air through the cloth mask when you breathe out or talk. CO2 molecules are small enough to easily pass through any cloth mask material. In contrast, the respiratory droplets that carry the virus that causes COVID-19 are much larger than CO2, so they cannot pass as easily through a

properly designed and properly worn cloth mask."

"In the United States through March 2021, the estimated cumulative rates of SARS-CoV-2 infection and COVID-19 symptomatic illness in children ages 5-17 years were comparable to infection and symptomatic illness rates in adults ages 18-49 and higher than rates in adults ages 50 and older. Estimated cumulative rates of infection and symptomatic illness in children ages 0-4 years are roughly half of those in children ages 5-17 years, but are comparable to those in adults ages 65 years or older."

"Children are less likely to develop severe illness or die from COVID-19. Nonetheless, 271 COVID-19 deaths among persons ages 5-17 years and 120 deaths among those 0-4 years have been reported to the National Center for Health Statistics through July 7<sup>th</sup> of this summer. The extent to which children suffer long-term consequences of COVID-19 is still unknown."

In response to Dr. Kelly's assertions downplaying the severity of pediatric Covid cases, comparing them to the flu, Dr. Cerrato wrote on "June 4, 2021 – CDC reported ... that during the 2019–2020 season, ... flu deaths in kids numbered 199. Prior to 2019-2020, the 2017-2018 season had the highest reported number of pediatric deaths, with 188. This tragic milestone underscores the importance of vaccinating children. Only 22 percent of children eligible for influenza vaccination and for whom vaccination status was known were fully vaccinated against flu. This is consistent from previous seasons."

"We also largely do not know the long term effects of COVID19 infections in children even if symptoms were mild or asymptomatic. We have not masked children for influenza due to its R factor of about 1 compared to an R factor of about 7 for the Delta Variant. Simplified, a child might infect 1 other person with influenza and 7 others with COVID19

Delta Variant-the now overwhelmingly dominant strain in Maryland. However, given the effectiveness of masks and other layered mitigation, only 1 child has died from influenza during the 2020-21 season."

"Much has been written regarding the mental health toll this pandemic has had on children and adolescents. As a board-certified child and adolescent psychiatrist I see it daily. There is simply no correlation or causation linking mask wearing in minors to suicide. Given all of this, in addition to the adept briefing by Dr. Maguire, I truly hope you do not condemn the Board of Education, employer or business mask mandates or vaccine mandates."

"Finally, we should choose respected, peer reviewed sources. Dr. Kelly, unfortunately, gave voice to the American Association of Physicians and Surgeons in our public comment. This group is quite simply a far-right fringe political group of less than 5,000 members out of the nearly 1 million physicians in this country. They have been around since 1943, [and are known for] ignorant and incendiary assertions that would never stand up to rigorous peer review. The former President referenced their backing of the now debunked "treatment" of COVID19, hydroxychloroquine. They are now found and referenced when it comes to opposing what science and data clearly indicates works, a comprehensive layered mitigation strategy which includes masks in K-12 schools to combat the spread of COVID19."

I want to thank Dr. Cerrato for setting the record straight.

Mr. Divilio - No comments.

Mr. Pack -

Mr. Pack stated that although he had been unable to attend the Hutchison Farm tour due to a funeral on the Western Shore, he was glad to hear the tour went well. He stated that on September 15th, the Council will be delivering years of service awards to Talbot County employees at various locations; on September 17th, the County will hold its annual employee picnic at the Hog Neck Golf Course pavilion; on September 24th the Frederick Douglass Honor Society will be holding a celebration recognizing the 10th anniversary of the Frederick Douglass statue unveiling, as well as other events, and encouraged those interested to log onto the Frederick Douglass Honor Society website for a complete listing; and on September 25th, Easton Airport will be hosting its Annual Airport Day. He stated that if anyone is interested, they are still looking for volunteers and are paying \$250.00 for the day. Mr. Pack stated that with regard to mandates for vaccines, etc. he will always follow with the scientists and other professionals say, and will work closely with the County's Health Officer, Dr. Maguire, with regard to the recommendations she provides to the Council going forward. He stated that over the years, there have been governmental mandates that sometimes people did not agree with, stating that seatbelt laws, child safety seats, motorcycle helmets, polio shots, vaccines for children attending school, and speed limits were all implemented in order to keep people safe. He stated that, in his opinion, sometimes government needs to step in and ask that individuals forego some of their liberties to keep everyone safe, and although some people do not like it, we live in a county of rules. He asked that everyone consider looking at the larger picture – public safety. He concluded his comments by stating that although getting vaccinated is a choice, he encourages everyone to do so, stated that statistically 90% of those in ICUs across the nation are unvaccinated - vaccines do work.

Ms. Price -

Ms. Price read the following statement into the record: Never forget... those were the words that we all uttered on September 11, 2001. We just marked the 20th remembrance of that fateful day. How far we have come from the unity that we all felt at that time. Clearly 9/11 was very different and we all did agree and it was easy to be united. Issues that Americans were divided on then, didn't divide us as a people. We had our differences but we were still able to be respectful of one another. We were still able to be friends with those we disagreed with. We still loved our neighbors. Events that have happened, especially over the last few years have torn us apart, to the point that we can no longer communicate at all. "If you don't agree with my point of view then you are an immoral and shameful person" has become the norm today. I will reread some of what I wrote back in January, when I considered introducing the Unity monument..."What we are witnessing in this country is heartbreaking and totally unacceptable. I truly can't believe that people are treating other human beings with such disrespect and contempt. Civil conversation and civil disagreements have overtaken us. While I, and the citizens here in Talbot County can't fix what is wrong in the whole country, we can come together and heal our community. Everyone has to be willing to learn to live with a middle ground. People on different sides may not like compromising and may feel so strongly that their opinion is right, that they are unwilling to give up until they get their way entirely. But that refusal to listen to each other solves nothing. Bullying, threatening, and especially personal attacks will only further divide us. Now we find ourselves in a time, where no one can even communicate with one another. There seems to be no point to having more meetings and work sessions, because no side is willing to compromise. People have been tearing each other down long enough, it's time to stop and bring unity to our community." It is time to heal, to compromise, to respect one another and to stop judging others because they have a different opinion. We must never forget who we are.

Mr. Callahan - Mr. Callahan stated, that in his opinion, the 9/11 ceremonies were very touching and expressed his appreciation to Mr. Pack for acting as Master of Ceremonies and for Mr. Lesher being in attendance. He stated that although he wasn't at Ground Zero on September 11, 2001 as were many emergency services personnel, policemen and firefighters, as a life member firefighter, he cannot imagine pulling up to that scene as a battalion chief and telling the firefighters to go into the first tower to try to save people, knowing that they might not be seen again. Mr. Callahan stated that, in his opinion, those are some of the bravest people he has ever seen and he gets chills talking about it and seeing documentaries of the horrific terrorism that took place – we don't want to forget that. He stated that as a firefighter, he can't imagine what that feeling was like because it was a reaction – that's what they do and, in his opinion, they are heroes, and we need more of them. He stated that although sometimes things can be bad, we should never forget what could be and hopefully it will never happen again. Mr. Callahan concluded his comments by expressing his appreciation to County staff for their work on the 9/11 Ceremony.

XII. Upon motion by Mr. Pack seconded by Ms. Price, the Council voted to adjourn and to reconvene on Tuesday, September 21, 2021 at 4:00 p.m. for a work session to discuss proposed amendments to County park rules; and to reconvene on Tuesday, September 28, 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. Divilio – Aye Mr. Lesher – Aye Ms. Price - Aye Mr. Pack - Aye

The meeting adjourned at 8:58 p.m.

The transcript of the September 14, 2021 County Council meeting is available for review in the Office of the Talbot County Manager during regular office hours.

- XIII. <u>Joint Meeting with Talbot County Board of Education</u> The County Council held a joint meeting with members of the Talbot County Board of Education on Tuesday, August 21, 2021 at 4:30 p.m. in the Meeting Room of the Talbot County Free Library, 100 West Dover Street, Easton, Maryland. Once the Draft Minutes of the meeting have been approved by the Board of Education at their October 20, 2021 meeting, a summary of the meeting will be provided in the County Council minutes.
- XIV. Work Session: Presentation of Master Plan and Interpretive Plan for Frederick Douglass Park on the Tuckahoe – The Council held a work session with Mark Gionet, LSG Landscape Architecture; Amol Deshpande from LSG Landscape Architecture; Michael Marshall of Michael Marshall Design and Andrew Hamilton, The Design Minds, on Tuesday, September 14, 2021 at 3:15 p.m. in the Meeting Room of the Talbot County Free Library, 100 West Dover Street, Easton, Maryland. Council members in attendance were Chuck Callahan, Frank Divilio, Pete Lesher, Corey Pack, and Laura Price (via Zoom). Representatives of the Frederick Douglass Park on the Tuckahoe Advisory Committee and consultants on the project in attendance included Dale Green, Professor, School of Architecture & Planning, Morgan State University (via Zoom); Kenneth Morris, Co-Founder and President, Frederick Douglass Family Initiatives (via Zoom); Marci Ross, Assistant Director, Maryland Dept. of Commerce – Tourism Development (via Zoom); and Priscilla Morris. County staff in attendance included Cassandra Vanhooser, Director, Department of Economic Development and Tourism; Preston Peper, Director, Department of Parks and Recreation; Clay Stamp, County Manager; and Jessica Morris, Assistant County Manager. Dana Newman, Director, Talbot County Free Library was also in attendance. Mr. Gionet outlined the process by which the Master Plan and Interpretive Plan for the Frederick Douglass Park on the Tuckahoe were developed through a series of meetings with members of the public and an in-depth analysis of the site on the Tuckahoe River, near the location where Mr. Douglass was born. Mr. Marshall stated that the proposed Master Plan incorporates the natural features of the site with an overall architectural vision for the site as a national and international destination. A short video of the proposed entrance to the sight was provided, as was a model of the proposed visitors' center. Mr. Gionet stated that the Master Plan for the park includes a phased approach; Phase 1 incorporates pollinator meadows, walking trails and two scenic overlooks. Council discussion ensued with Mr. Gionet and Mr. Marshall regarding various facets of the proposed plans for the site, including fundraising which could include the establishment of a Friends of Frederick Douglass Park on the Tuckahoe 501(c)3 fundraising organization. The proposed Master Plan and Interpretive Plan for the Frederick Douglass Park on the Tuckahoe will be brought forward for Council's consideration of approval at a later date.

#### XV. Summary of Closed Session Held on August 31, 2021:

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

Time of closed session: 3:50 p.m. to 4:30 p.m.

Place of closed session: Bradley Meeting Room, South Wing, Courthouse, 11 North

Washington Street, Easton, MD

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, Lesher, Pack, Price

Members opposed: None Abstaining: None Absent: Price

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	Reason for Closed Session	Persons Present	Action Taken
		Discussion		
To discuss	GP § 3-305 (b)	Confidential	Chuck Callahan,	Interview
personnel matters	(1)(i)	personnel matter –	Frank Divilio,	conducted
in Department of		discussion	Pete Lesher,	
Emergency		involves specific	Corey Pack, Laura	
Services		individuals	Price, Clay Stamp	

## XVI. Summary of Closed Session Held on September 14, 2021:

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

Time of closed session: 4:35 p.m. to 5:50 p.m.

Place of closed session: Bradley Meeting Room, South Wing, Courthouse, 11 North

Washington Street, Easton, MD

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, Lesher, Pack, Price

Members opposed: None Abstaining: None Absent: Price

3. Statutory authority to close session and listing of each topic actually discussed, persons present, and each action taken in the session:

Topic	Statutory	Reason for	<b>Persons Present</b>	Action Taken
Description	Authority	Closed Session		
		Discussion		
To discuss	GP § 3-305 (b)	Confidential	Chuck Callahan,	Council directed
personnel matters	(1)(i)	personnel matter –	Frank Divilio,	staff to advertise
in Permits and		discussion	Pete Lesher,	the vacancy for a
Inspections		involves specific	Corey Pack, Laura	building inspector
		individuals	Price, Clay Stamp,	

To discuss appointments to various County boards and	GP § 3-305 (b) (1)(i)	Public discussion of specific appointees could	Jessica Morris, Patrick Thomas, Miguel Salinas, Brent Garner Chuck Callahan, Frank Divilio, Pete Lesher,	No action
committees		discourage individuals from volunteering to serve on County boards and committees	Corey Pack, Laura Price, Clay Stamp, Jessica Morris, Patrick Thomas	
For legal advice on monuments located on Courthouse grounds	GP § 3-305 (b) (7)(8)	Confidential attorney-client discussion; public discussion could adversely affect County's position in pending litigation	Chuck Callahan, Frank Divilio, Pete Lesher, Corey Pack, Laura Price, Clay Stamp, Jessica Morris, Patrick Thomas	No action
For legal advice on opioid litigation	GP § 3-305 (b) (7)(8)	Confidential attorney-client discussion regarding settlement of litigation	Chuck Callahan, Frank Divilio, Pete Lesher, Corey Pack, Laura Price, Clay Stamp, Jessica Morris, Patrick Thomas	Council approved settlement terms as presented

# CASH STATEMENT 8/31/2021

59,876,809.51
(64,413.68)
(15,118.59)
(1,225.80)
(43.23)
(5,857.77)

DEPOSITS 1,535,215.94

**CHECKS** 

		(524,829.21) 765.70	
		60,801,302.87	
ES OF DEPOSIT			
Maturity Date	<u>Yield</u>	Amount	
ΓAL	0.04%	20,500,000.00 10,191,535.90	
		<u>30,691,535.90</u>	
PETTY CASH BALANCE			
GRAND TOTAL ALL FUNDS			
		60,801,302.87	
2021		(681,720.29)	
LL PPE 8/31/2021		(14,886.84)	
/31/2021		(41,799.83)	
DEFERRED COMP DED PPE 8/20/2021 & 8/31/2021			
DEFERRED COMP PPE 8/20/2021 PLAN 401(A)			
CIGNA CLAIMS PAID THRU 8/30/2021			
SEPTEMBER 2021 RETIREE HEALTH INS PLAN #727			
TALBOT COUNTY FREE LIBRARY 9/2021			
TALBOT COUNTY HUMANE SOCIETY 9/2021			
BOARD OF EDUCATION 9/2021			
NT LEASE PYMT		(128.00)	
		3,549,097.67	
	2021 LL PPE 8/31/2021 /31/2021 /2021 & 8/31/2021 PLAN 401(A) 0/2021 LTH INS PLAN #727 RY 9/2021	Maturity Date Yield  FAL 0.04%  2021  LL PPE 8/31/2021  /31/2021  /2021 & 8/31/2021  PLAN 401(A)  //2021  LTH INS PLAN #727  RY 9/2021  CIETY 9/2021	

(721,565.38)

3,800.46

BALANCE 9/07/2021	58,901,625.67
INVESTMENTS - CERTIFICATES OF DEPOSIT	

Certificate Date	Maturity Date	<u>Yield</u>	<u>Amount</u>
PNC-MLGIP INVESTMENTS TOTAL BAYVANGUARD BANK		0.04%	20,500,000.00 10,191,535.90
TOTAL INVESTED			<u>30,691,535.90</u>
PETTY CASH BALANCE			<u>12,175.00</u>
GRAND TOTAL ALL FUNDS			89,605,336.57

# CASH STATEMENT 9/14/2021

BALANCE 9/7/2021	58,901,625.67
CIGNA CLAIMS PAID THRU 9/7/2021 SALES AND USE GOLF COURSE DUE 9/20/2021 SALES AND USE COMMUNITY CENTER DUE 9/20/2021 SALES AND USE ROADS DUE 9/20/2021 AGRICULTURAL TRANSFER TAX 8/2021	(72,284.89) (1,188.86) (20.92) (248.38) (8,663.16)
DEPOSITS CHECKS VOIDED CHECK(S)	1,099,338.98 (968,840.95) 0.00
BALANCE 9/14/2021	58,949,717.49

# **INVESTMENTS - CERTIFICATES OF DEPOSIT**

Certificate Date	Maturity Date	<u>Yield</u>	<u>Amount</u>
PNC-MLGIP INVESTMENTS TOTAL BAYVANGUARD BANK		0.04%	20,500,000.00 10,191,535.90
TOTAL INVESTED			<u>30,691,535.90</u>
PETTY CASH BALANCE			<u>12,175.00</u>
GRAND TOTAL ALL FUNDS		_	89,653,428.39