



TALBOT COUNTY, MARYLAND

County Council

MINUTES

January 11, 2022

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

- I. Agenda – The Agenda of Tuesday, January 11, 2022 was brought forward for approval. Mr. Lesher made a motion to amend the agenda go into Closed Session for discussion of legal and personnel matters following conclusion of the Council meeting; Ms. Price seconded the motion. The Council approved the Agenda of Tuesday, January 11, 2022, as amended, by voting 4 – 0 as follows:

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

Mr. Pack was unable to cast his vote due to his inability to hear the rollcall.

- II. Minutes – Mr. Callahan requested and received unanimous consent for approval of the Minutes of Tuesday, December 14, 2021 and Tuesday, December 21, 2021.
- III. Disbursements – Mr. Callahan requested and received unanimous consent for approval of the Disbursements of Tuesday, December 28, 2021, Tuesday, January 4, 2022, and Tuesday, January 11, 2022.
- IV. Update to Talbot County Board of Health on COVID-19 – Dr. Maria Maguire, Talbot County Health Officer – Dr. Maguire utilized a PowerPoint presentation to update the Council on the status of COVID-19 from the Health Department’s perspective. Prior to the presentation of information, Dr. Maguire stated that the Maryland Department of Health had recently experienced a network outage and some data systems, including those which include detailed county level COVID hospitalization and death data are still in the process of being restored. She stated that until the data systems are restored, the Health Department continues to provide the services it can. She provided statistical information on the upward trend of positivity rates of the Omicron variant in Talbot County, stating that there are now 2.5 times the number of positive cases as there were at the same time last year and 5 times the number of cases there were in early December 2021. Dr. Maguire compared the transmissibility rate of the Omicron variant to the other known variants of COVID-19 and other infectious diseases including influenza and measles. She stated that in Maryland, 75% of hospitalizations due to COVID-19 are among unvaccinated individuals with hospitals on the Eastern Shore reporting 80% to 85% of patients are unvaccinated. Dr. Maguire emphasized that vaccines keep individuals out of the hospital and provided statistical information showing the effectiveness of vaccines and boosters and a breakdown by age and vaccination status of individuals in Talbot County. She stated that citizens can help protect themselves from contracting COVID-19 and at the same time reduce the burden on hospitals by doing the following: getting vaccinated - those aged 5 and older who are eligible (including boosters for those eligible); wearing a mask indoors in public; getting tested if exposed to the virus, and when sick; and if sick, stay home and call your Primary Care Physician; and avoiding the Emergency Room unless there is a true emergency. She recommended Council’s consideration of a temporary (until January 31, 2022) countywide regulation requiring face coverings in public indoor settings for those individuals age 5 and older with the goal of reducing the burden on hospitals, allowing schools to remain in-person, and to minimize employee absences for businesses. She briefed the Council on the shortage of rapid tests for COVID-19, the new testing sites to be set up at various locations throughout the

state, including one in Talbot County, and the availability of reporting rapid test results through the Maryland Department of Health. Dr. Maguire concluded her presentation by stating that the vaccines are doing what they are supposed to do – keeping most people out of the hospital. She stated it is hoped that Omicron could be the end of the pandemic and that the virus become an endemic instead, if and when a majority of the community builds up immunity; until that time, the virus will remain a significant threat to the public health infrastructure. Council discussion ensued with Dr. Maguire as various points of her presentation were brought forward. Mr. Leshner inquired as to the process for taking action on Dr. Maguire’s recommendation to institute a temporary regulation requiring face coverings, should the Council consider doing so. Mr. Callahan stated that the matter was something for Council to consider but that he did not want to put anything in place at the present time. At Council’s request, County Attorney, Patrick Thomas will review the process and report to Council. Council discussion ensued again with Dr. Maguire. Dr. Maguire will continue to update the Council on a regular or as-needed basis.

- V. Presentation by Talbot County Public Schools on Request from Maryland State Highway Administration Regarding Proposed Improvements at MD Rt. 322 (Easton Bypass) at Glenwood Avenue for Easton Elementary School – Kevin Shafer, Director of Operations, Talbot County Public Schools - Mr. Shafer stated that the Maryland State Highway Administration (SHA) had requested to purchase approximately 1/100 of an acre from the Board of Education’s existing right-of-way along MD Rt. 322 in the sum of \$2,950; the subject property is adjacent to the State Highway Administration’s existing right-of-way and is needed for stormwater management improvements as part of the planned improvements at the MD Rt. 322 and Glenwood Avenue intersection; the purpose of the improvements is to provide a safer intersection for cars and buses traveling to and from Easton Elementary School. He stated that the Board of Education has approved the request and the Interagency Commission for School Construction will be notified. Council discussion ensued with Mr. Shafer. No action is required by the Council.
- VI. Update from Department of Public Works – Ray Clarke, County Engineer – Mr. Clarke updated the Council on the following projects: (1) Talbot County Community Center Sewer Extension Project – Mr. Clarke stated that the project to connect the Community Center to the Town of Easton Wastewater Treatment Plant is anticipated to be completed by the end of January; (2) Region II (St. Michaels Wastewater Treatment Plant) Belt Filter Press – Mr. Clarke stated that the belt filter press is currently being manufactured and is scheduled to be installed in May; demolition of the old filter press will take place in March; (3) Brookletts Place – The Talbot Senior Center parking lot expansion project has been put out to bid; (4) St. Michaels sewer improvement project in the amount of \$1.6 million will begin in February; (5) Ferry Point (Trappe) Wastewater Treatment Plant Project – Mr. Clarke stated that the Maryland Department of the Environment (MDE) has advised the County through Rauch, Inc., the engineering firm for the project, that direct discharge of effluent into the Choptank River is prohibited; the County is now reviewing spray irrigation and groundwater injection as means of disposal for the effluent from the proposed wastewater treatment plant; (6) The Preserve at Wye Mills Wastewater Treatment Plant – Mr. Clarke stated that County staff had recently met with Attorney General’s Office for MDE regarding the County’s preparation of an application to the Maryland Water Quality Financing Administration (MWQFA) for proposed improvements to the Plant; (7) Region V (Tilghman Wastewater Treatment Plant) sewer extension project to Fairbank and Bar Neck and sewer collection system improvements - Mr. Clarke stated that applications for funding will be submitted to MWQFA; applications are due by the end of January; (8) Black Dog Alley – the survey work needed for design of the improvements has been completed; (9) Airport Road – work continues on right-of-way requirements and acquisition plan; (10) Goldsborough Neck Road – work continues on getting the environmental permits necessary to finalize design for proposed improvements; (11) Resolution No. 235 Sewer Extension Project – Mr. Clarke stated that Lane Engineering has received comments from MDE regarding the Royal Oak Pump Station and several force mains. He stated that staff anticipates sitting down with the MDE financing staff on the proposed project; information on any proposed rate increases will be provided to the Council during the

upcoming budget cycle; and (12) Resolution No. 250 Sewer Extension Project (Bozman and Neavitt) – applications for permits will be completed in March. Council discussion ensued with Mr. Clarke as the various projects were brought forward.

VII. Introduction of Legislation:

A BILL TO REPEAL AND REENACT CHAPTER 102, “PARKS AND RECREATION,” TALBOT COUNTY CODE AND TO ENACT A NEW CHAPTER 76 ENTITLED “GOLF BOARD” was read into the record by the Clerk and brought forward for introduction. Prior to introduction, County Attorney, Patrick Thomas, stated that the proposed legislation came about as a result of drafting regulations for County parks. He stated that a draft version of the proposed regulations was discussed at a work session with the Council in the fall of 2021; the changes discussed at the work session have been incorporated into the legislation before Council for introduction. Mr. Thomas stated that the proposed legislation separates provisions for the Golf Board to avoid any confusion as to which regulations apply to which entity. Mr. Divilio, the Council liaison to the Parks and Recreation Advisory Board, stated that the request to codify County parks regulations was brought before the Board by Preston Peper, Director of the Department of Parks and Recreation, the Board has approved the proposed legislation and he is in support of the legislation. The legislation was introduced by Mr. Callahan, Mr. Divilio, Mr. Leshner, Mr. Pack, and Ms. Price as Bill No. 1496. A public hearing was scheduled for Tuesday, February 8, 2022 in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

VIII. Public Hearing:

Resolution No. 314, A RESOLUTION AUTHORIZING THE TRANSFER OF ANY INTEREST TALBOT COUNTY, MARYLAND HOLDS IN A PORTION OF BROOKS LANE TO THE COMMISSIONERS OF ST. MICHAELS AND THE EXECUTION OF A QUITCLAIM DEED TO EFFECTUATE THE SAME, was read into the record by the Clerk and brought forward for public hearing. Prior to the public hearing, County Attorney, Patrick Thomas, stated that the subject property was annexed into the town of St. Michaels in 2017, upon the condition that the County upgrade the road to the Town’s standards; those upgrades have now been completed. Members of the public were afforded an opportunity to comment on the legislation. Upon motion by Ms. Price, seconded by Mr. Leshner, the Council approved Resolution No. 314 by voting 5 – 0 as follows:

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

Resolution No. 314 is effective immediately.

IX. County Manager’s Report:

A. Talbot County Planning and Zoning Commission – Requested Council approval for the reappointment of Paul Spies to a five-year term on the Talbot County Planning and Zoning Commission; said term will expire at midnight on December 2, 2026. Upon motion by Ms. Price, seconded by Mr. Pack, the Council approved the reappointment by voting 5 – 0 as follows:

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

- B. Bid No. 21-14, FURNISHING AND DELIVERY OF AASHTO M43, SIZE NO. 8 & SIZE NO. 7 TRIPLE WASHED AGGREGATE – Requested Council approval of the Roads Superintendent’s recommendation to award Bid No. 21-14 to the lowest bidder, Vulcan Construction Materials, Incorporated, in the sum of \$31.75 per ton for a total bid of \$158,750. 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. Leshner – Aye
Ms. Price – Aye
Mr. Pack - Aye

- C. County Offices Closed – Mr. Stamp stated that County Offices will be closed on Monday, January 17, 2022 in recognition of the Martin Luther King, Jr. holiday.

X. Council Comments:

Mr. Leshner - Mr. Leshner encouraged those who had not already done so to complete the American Rescue Plan Act (ARPA) Survey which is located on the homepage of the County website: www.talbotcountymd.gov. He stated that the survey is an opportunity for citizens to provide input as to how they would like to see the County allocate the one-time, flexible funding in the sum of \$7.2 million for projects such as broadband, emergency services facilities, aid to local businesses, etc. He stated that citizen input is appreciated; the deadline for response is January 16, 2022. Mr. Leshner stated that he had met Archbishop Desmond Tutu, whom he had mentioned during the opening prayer, while a senior in high school. He stated that Archbishop Tutu was touring America at the time to raise awareness of the plight of South Africans suppressed by the apartheid regime. He stated that it was 36 years ago that he and three other seniors drove to Temple University in Philadelphia to hear Archbishop Tutu. Mr. Leshner stated that he does not remember anyone else’s words so vividly after such a long time whereby Archbishop Tutu was encouraging those in attendance to support sanctions against the South African government and divestment of stocks in companies that did business with that government, stating that the black South Africans understood that although sanctions would hurt them economically, they were in favor of the sanctions anyway. Mr. Leshner stated that it was probably his first engagement with an issue of justice and that he was inspired by Archbishop Tutu’s powerful testimony. Mr. Leshner concluded his comments by stating that Archbishop Tutu passed away in December and, in his opinion, the world is poorer for his loss.

Mr. Divilio - No comments.

Mr. Pack - Mr. Pack echoed Mr. Leshner’s comments regarding Archbishop Desmond Tutu. He stated that we mourn his passing and all that he did to bring awareness to the plight of black

South Africans and that he joins with Mr. Leshner in his remembrance of Archbishop Tutu. Mr. Pack stated that the annual Dr. Martin Luther King, Jr. Basketball Classic would not be held this year due to COVID-19. He stated each year, he, Preston Peper of the Talbot County Department of Parks and Recreation, Lorraine Gould of the Town of Easton Department of Parks and Recreation, Derek White of the YMCA, Megan Cook, Town of Easton and the Towns of Denton and Federalsburg, work to bring the basketball classic to middle school students in the tri-county area as a way to remember Dr. King and his efforts to bring equality and justice in the United States during his lifetime. He stated that last year the event was not held due to COVID-19 and although Dr. Maria Maguire, Talbot County Health Officer, had given her permission for the event to move forward this year, the organizing committee decided against doing so. He stated that this year would have been the 15th anniversary of the event and that the commemorative patches, jerseys and bags which had been ordered for the participants will be held over until the students can be brought together. He stated that despite the event not being held, four individuals in the Easton, Cambridge, Federalsburg, and North Carolina areas will be recognized and receive the MLK Image Award for their commitment to equality, justice, and living out the life and legacy of Dr. King. He stated that the recipient will be presented with the MLK Image Award before the Council sometime in February or March. Mr. Pack concluded his comments by expressing his appreciation to Mr. Divilio for his sponsorship of the event in previous years, and to Easton Utilities and the YMCA for their sponsorship partnership.

Ms. Price – Ms. Price stated that the 2022 Legislative Session in Annapolis will begin tomorrow and that the Maryland Association of Counties (MACo) had met earlier in the day for pre-session business. She stated that the House and the Senate have each pre-filed approximately 200 bills; last year there were more than 900 pre-filed bills. She stated that she had recently had the opportunity, as MACo president, along with Michael Sanderson, Executive Director, MACo, to visit her first county, Anne Arundel County, via Zoom. She stated that she was mentioning it because, like many of the counties, Talbot County was scheduled to have a work session on the Police Accountability Boards last week, but because of weather, it was postponed. She stated that it was thought that several State regulations would be forthcoming with regard to the Police Accountability Boards; however there were none, which as Mr. Sanderson stated in the meeting with Anne Arundel County, the absence of State guidance results in more county flexibility. She stated that whether legislation which passed in Annapolis last year, *HB670, Police Reform and Accountability Act of 2021*, provides a skeletal outline which provides county flexibility. She stated that, in her opinion, one of the challenges is going to be getting the legislation implemented by July 1, 2022, since in a small county like ours, we may not have individuals that meet certain criteria to serve on the Board, but we will put forth our best effort and do the best we can. She stated that although she was surprised that there was not “more meat on the bone,” she will take that as a positive with regard to flexibility and that we will be able to do what works best for Talbot County. She stated that, in her opinion, it is interesting that one of the legislative initiatives of the municipalities is to have enabling legislation so they can have their own Police Accountability Board, a matter which was discussed during the Council’s work session with the local delegation several weeks ago. Ms. Price concluded her comments by reiterating that the 2022 Legislative Session will begin tomorrow and that MACo will be a good resource for information in helping guide the counties as the Police Accountability Board and its subordinate group, the Administrative Charging Committee, are put together.

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

XII. Council Comments Continued:

Mr. Callahan – Mr. Callahan stated that this meeting is the first of several virtual meetings in the next few weeks. He stated that the Council had heard a lot of information tonight and commended staff for their hard work in getting the Council ready for the meeting. He stated that he was really listening to Dr. Maguire and her recommendations and that the Council will continue to review the matter. He stated everyone knows his position and that it's a very serious situation we are in right now and he is not taking it lightly. Mr. Callahan concluded his comments by stating that he hoped everyone had a great holiday, and, in his opinion, we have a great 2022 coming. He stated that the Council has a lot of work to do in the coming year and commented on the many important things the County is doing. He stated that he appreciated everyone being open-minded and, in his opinion, we are all going to have to be open-minded this year to get through this.

XIII. Upon motion by Ms. Price, seconded by Mr. Divilio, the Council voted to adjourn and to reconvene in Closed Session for discussion of legal and personnel matters and to reconvene on Tuesday, January 25, 2022 at 3:30 p.m. for a virtual work session with Planning and Zoning on their Strategic Plan; to convene in a virtual Open Session at 4:30 p.m. and immediately adjourn into a virtual 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 virtual 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 8:19 p.m.

The transcript of the January 11, 2022 County Council meeting is available for review in the Office of the Talbot County Manager during regular office hours.

XIV. Summary of Closed Session Held on January 11, 2022:

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

Time of closed session: 3:30 p.m. to 6:00 p.m. and 8:30 p.m. to 9:10 p.m.
Place of closed session: Via WebEx Events
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, Price
Members opposed: None
Abstaining: None
Absent: None

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 Discussion	Persons Present	Action Taken
To discuss appointments to various County boards and committees	GP § 3-305 (b) (1)(i)	Public discussion of specific appointees could discourage individuals from volunteering to serve on County boards and committees	Chuck Callahan, Frank Divilio, Pete Leshner, Corey Pack, Laura Price, Clay Stamp, Jessica Morris, Patrick Thomas	No action
To discuss personnel matter in Department of Emergency Services	GP § 3-305 (b) (1)(i)	Discussion involves specific individual	Chuck Callahan, Frank Divilio, Pete Leshner, Corey Pack, Laura Price, Clay Stamp, Jessica Morris, Patrick Thomas, David Edwards	Council concurred with staff recommendation
Legal advice on code enforcement matter involving property in Easton	GP § 3-305 (b) (7)	Confidential attorney-client discussion regarding potential dispute resolution	Chuck Callahan, Frank Divilio, Pete Leshner, Corey Pack, Laura Price, Clay Stamp, Jessica Morris, Patrick Thomas	Council directed County Attorney to draft agreement with amendment
Legal advice on litigation (Petition 21-02/Preserve Talbot History, Inc.)	GP § 3-305 (b) (7)(8)	Confidential attorney-client discussion regarding status of litigation	Chuck Callahan, Frank Divilio, Pete Leshner, Corey Pack, Laura Price, Clay Stamp, Jessica Morris, Patrick Thomas	No action
Update on opioid litigation	GP § 3-305 (b) (7)(8)	Confidential attorney-client discussion regarding possible settlement of litigation	Chuck Callahan, Frank Divilio, Pete Leshner, Corey Pack, Laura Price, Clay Stamp, Jessica Morris, Patrick Thomas	Council concurred with participation agreements as presented

BALANCE 12/21/2021	54,662,623.05
TOTAL ADP PAYROLL PPE 12/10/2021	(687,047.93)
PENSION DED PPE 12/10/2021	(41,309.81)
DEFERRED COMP PPE 12/10/2021	(17,867.50)
DEFERRED COMP PPE 11/26/2021 PLAN 401(A)	(6,750.14)
CIGNA CLAIMS PD THRU 12/10/2021	(88,653.43)
RETURNED PAYMENTUS PAYMENT	(177.50)
HOG NECK GOLF COURSE SALES & USE DUE 12/20/2021	(478.47)
COMMUNITY CENTER SALES & USE DUE 12/20/2021	(694.98)
ROADS REPURPOSING CENTER SALES & USE 12/20/2021	(285.58)
FY 2021 MD STATE RETIREMENT AND PENSION SYSTEM	(1,545,735.00)
FY 2021 MD STATE RETIREMENT AND PENSION SYSTEM	(25,639.00)
DEPOSITS	4,784,665.19
CHECKS	(728,533.72)
VOIDED CHECK(S)	
BALANCE 12/28/2021	56,304,115.18

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			10,204,248.25
TOTAL INVESTED			<u>30,704,248.25</u>
PETTY CASH BALANCE			<u>12,175.00</u>
<u>GRAND TOTAL ALL FUNDS</u>			<u>87,020,538.43</u>

CASH STATEMENT 1/4/2022

BALANCE 12/28/2021	56,304,115.18
DEPOSITS	3,052,261.04
CHECKS	(1,574,277.96)
VOIDED CHECK(S)	
BALANCE 1/4/2022	<u>57,782,098.26</u>

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			10,204,248.25
TOTAL INVESTED			<u>30,704,248.25</u>
PETTY CASH BALANCE			<u>12,175.00</u>
<u>GRAND TOTAL ALL FUNDS</u>			<u>88,498,521.51</u>

CASH STATEMENT 1/11/2022

BALANCE 1/4/2022	57,782,098.26
TOTAL ADP PAYROLL PPE 12/24/2021	(680,167.85)
TOTAL ADP PAYROLL PPE 12/30/2021	(13,394.51)
RETURNED PAYMENTUS PAYMENTS	(952.23)
RETURNED PAYMENTUS PAYMENTS	(1,217.47)
PITNEY BOWES POSTAGE WIRE	(3,000.00)
CIGNA HEALTH CLAIMS PAID THRU 12/27/2021	(89,862.23)
CIGNA HEALTH CLAIMS PAID THRU 1/3/2022	(94,091.06)
TALBOT CO. FREE LIBRARY FY 2021-2022 1/2022	(126,616.00)
TALBOT CO. HUMANE SOCIETY FY 2021-2022 1/2022	(34,167.00)
BOARD OF EDUCATION 1/2022	(3,658,800.00)
JANUARY 2022 RETIREE HEALTH PLAN #727	(33,970.24)

PENSION DED PPE 12/24/21 & 12/30/21	(42,251.39)
DEF COMP DED PPE 12/24/21 & 12/30/21 457 & ROTH	(20,181.52)
DEF COMP PPE 12/24/21 PLAN 401(A)	(6,750.14)
RETURNED CHECK #111	(90.00)
FY22 REIMBURSEMENT EASTON HIGH ROOF PROJECT	(103,967.93)
DEPOSITS	1,132,161.89
CHECKS	(84,709.96)
VOIDED CHECK(S)	
BALANCE 1/11/2022	<u>53,920,070.62</u>

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			10,204,248.25
TOTAL INVESTED			<u>30,704,248.25</u>
PETTY CASH BALANCE			<u>12,175.00</u>
<u>GRAND TOTAL ALL FUNDS</u>			<u>84,636,493.87</u>