



# Talbot County, Maryland



Easton, Maryland

## MINUTES

February 9, 2010

Present – President Levin F. Harrison, IV, Vice President Philip Carey Foster, Dirck K. Bartlett, Thomas G. Duncan, Corey W. Pack, County Manager R. Andrew Hollis, Assistant County Manager James Urbanczyk and County Attorney Michael Pullen.

- I. Agenda – Agenda of February 9, 2010 was approved upon motion by Mr. Foster, seconded by Mr. Pack, with the Council voting 5 – 0 as follows:

Mr. Harrison – Aye  
Mr. Pack - Aye  
Mr. Duncan – Aye  
Mr. Foster – Aye  
Mr. Bartlett - Aye

- II. Minutes – Minutes of January 26, 2010 were approved upon motion by Mr. Pack, seconded by Mr. Bartlett, with the Council voting 5 – 0 as follows:

Mr. Harrison – Aye  
Mr. Pack - Aye  
Mr. Duncan – Aye  
Mr. Foster – Aye  
Mr. Bartlett - Aye

- III. Disbursements – Disbursements of February 2, 2010, and February 9, 2010 were approved upon motion by Mr. Foster, seconded by Mr. Pack, with the Council voting 5 - 0 as follows:

Mr. Harrison – Aye  
Mr. Pack - Aye  
Mr. Duncan – Aye  
Mr. Foster – Aye  
Mr. Bartlett – Aye

- IV. Proclamation: National Children’s Dental Health Month – The Clerk read a proclamation into the record in recognition of February as National Children’s Dental Health Month. The proclamation acknowledged the prevalence of tooth decay in children kindergarten through third grade and emphasized the value of good oral hygiene and regular dental treatment. Upon motion by Mr. Foster, seconded by Mr. Duncan, the Council approved the Proclamation by voting 5 – 0 as follows:

Mr. Harrison – Aye  
Mr. Pack - Aye  
Mr. Duncan – Aye  
Mr. Foster – Aye  
Mr. Bartlett – Aye

Shelley Andrews of Choptank Community Health Systems Community Based Programs accepted the Proclamation on behalf of her organization.

- V. Michael Pullen – Charter Provision Explanation – Mr. Harrison requested that County Attorney Michael Pullen explain the questions recently posed in *The Star Democrat* regarding the ability of the County to move or not move monies from the capital budget to the operating budget. Mr. Pullen stated that it had been suggested that portions of the Talbot County Charter, specifically the provisions outlined in Sections 217 and 620 of the Charter, would permit the County Council to move funds from the capital budget for the Community Center Addition to the operating expense budget. Mr. Pullen stated that \$6,000,000 had been appropriated for a Community Center gymnasium in FY2009, and that the project had been approved by enabling legislation in FY2010. Mr. Pullen responded that the Council does not have the authority to take monies from the capital budget and use those appropriations for expenditures in the current fiscal year. He continued that Section 217 of the Charter as referred to in the newspaper article has to do with referendums, and as such, does not apply at all to the question. He then read into the record Talbot County Charter Section 620 which is titled **Restrictions on Capital Projects: Amendment to Capital Budget after Adoption of Budget**, which states as follows:

*No obligations of the County may be authorized in any fiscal year for or on account of any capital project not included in the County budget as finally enacted for that year; but upon receipt of a recommendation in writing from the County Manager, the Council, after public hearing and with the affirmative vote of four-fifths of the full Council may amend the County budget in accordance with the recommendation without increasing the total amount of appropriation therefor.*

Mr. Pullen continued that the operative language “*may amend the County budget*,” refers to the County Capital Budget as the title indicates, as does the reference to the County budget in line two of Section 620. He stated that Section 618 – **Lapsed Appropriations**, is also pertinent as it restricts the use of balances remaining to the credit of completed or abandoned capital projects for appropriation in subsequent capital budgets; continuing that even if a capital project is abandoned, the funds appropriated for that capital project are available only for appropriation in subsequent capital budgets; fund balances remaining to the credit of an abandoned capital project may not be appropriated for operating expenses but only for another capital project. Mr. Pullen stated that in his opinion, the funds would not be available for existing or future operating expenses.

- VI. Update by Talbot County Emergency Services – Clay Stamp, Director, Emergency Services – Mr. Stamp advised that Talbot County and ten other Maryland counties remain in a state of emergency following the recent large snowfall. Mr. Stamp stated that the Roads Department, volunteer firemen, the Maryland National Guard had, and were continuing to work to clear roads, staff the fire stations and relocate those individuals who are stranded or without power. He thanked everyone in the community for pulling together to assist each other, adding that his office will continue to communicate with the public through Connect-CTY®, press releases and radio interviews during emergency events. He advised that the Department of Social Services will activate shelters, should the need arise. Council members expressed thanks to all departments and individuals for their many hours of assistance with the most recent snowstorm.
- VII. Fiscal Year 2008-2009 Audit Presentation – Chris Hall, CPA, TGM Group LLC; Angela Lane, Finance Director – Mr. Hall highlighted for the Council information contained in the Talbot County Comprehensive Annual Financial Report for fiscal year ending June 30, 2009, reporting that the County remains in a healthy financial position taking into account cash, short-term investments and fund balances (general fund, capital projects, and other non-governmental funds). He stated that the decision made by the County over the past several years to put monies into the fund balance, was, in his opinion, prudent. Mr. Hall also stated that the County’s practice of “pay as you go” for capital projects was to be commended.

VIII. Introduction of Legislation:

Prior to the introduction of legislation, Sandy Coyman, Planning Officer and Martin Sokolich, Long Range Planner, briefed the Council that the proposed legislation is in response to 2006 Maryland House Bill 1141 which requires each jurisdiction in the state to include a water resources plan element in its comprehensive plan in order to help ensure that all jurisdictions provide uniform statistical information about water supply, wastewater treatment and stormwater management to the State. Mr. Sokolich advised that the proposed legislation had been recommended by the Planning Commission, adding that the County is awaiting a study from the State on source water. Council discussion ensued with regard to population projections, the overall request by the State for the information, comments submitted by the Public Works Advisory Board and the timeframe for submission of a water resources plan to the State. Talbot County had previously requested an extension for a response to the State, and had recently requested a second extension; the first extension runs from October 1, 2009 to April 1, 2010, the second extension, if approved, would run from April 1, 2010 to October 1, 2010. A BILL TO AMEND THE TALBOT COUNTY COMPREHENSIVE PLAN, TO ADOPT A WATER RESOURCES PLAN ELEMENT AS REQUIRED BY ARTICLE 66B § 3.05 (a) (4) (vi), MD. ANN. CODE, TO BE ADDED AS CHAPTER 14, ENTITLED “WATER RESOURCES” was introduced by Mr. Foster and Mr. Pack as Bill No. 1180. A public hearing was scheduled for Tuesday, March 9, 2010 at 2:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

IX Public Hearing:

Prior to the public hearing on Bill No. 1178, Sandy Coyman, Planning Officer, advised the Council that Bill No. 1178 had been proposed in response to 2006 Maryland House Bill 1141. Martin Sokolich, Long Range Planner, stated that the purpose of the legislation is to help ensure that areas which are designated in counties certified under the Maryland Agricultural Land Preservation Foundation (MALPF) program which are capable of supporting profitable agricultural enterprises (Priority Preservation Areas) are governed by local zoning policies which protect them from development. Mr. Sokolich continued that Bill No. 1178 identifies those areas set aside as Priority Preservation Areas by denoting land in the county currently under preservation, and by identifying zoning which favors keeping large contiguous areas available for agriculture. He stated that there is the possibility that 83,000 acres will be eligible for preservation over a period of time. The public hearing was then held on Bill No. 1178, A BILL TO REPEAL AND REENACT CHAPTER 6 OF THE TALBOT COUNTY COMPREHENSIVE PLAN TO ADOPT A PRIORITY PRESERVATION AREA PLAN, ENTITLED “TALBOT COUNTY PRIORITY PRESERVATION AREA PLAN”, AS REQUIRED BY ARTICLE 66B § 3.05 (a) (6) (ii) (8), AND AGRICULTURE ARTICLE § 2-518, MD. ANN. CODE. The public was afforded an opportunity to comment on the legislation. Upon motion by Mr. Bartlett, and unanimous consent of the Council, the public hearing on Bill No. 1178 was continued to Tuesday, February 23, 2010; the vote will also be scheduled for Tuesday, February 23, 2010.

X. Presentation: Planning Commission Recommendations Regarding Draft Trappe Comprehensive Plan – Sandy Coyman, Planning Officer; Martin Sokolich, Long Range Planner – Mr. Coyman and Mr. Sokolich briefed the Council on the various elements outlined in the Draft Comprehensive Plan, including the municipal growth and water resources elements. County staff and the County Planning Commission provided comments for Council’s review and consideration. Council discussion ensued with individual members expressing several concerns about the Draft Comprehensive Plan. Upon motion by Mr. Foster, seconded by Mr. Pack, the Council approved forwarding a letter to the Town of Trappe Planning Commission indicating that the County Council supports the comments of the County Planning Commission and Planning Staff and emphasizes the belief that the issue that applied to the permit now withdrawn by the Town of Trappe also applies to the Town’s other permit for the renovation for their existing wastewater treatment plant by voting 5 – 0 as follows:

Mr. Harrison- Aye  
Mr. Pack – Aye  
Mr. Duncan – Aye  
Mr. Foster – Aye  
Mr. Bartlett - Aye

- XI. Request for Council Approval to Solicit a Proposal from The Lukmire Partnership, Inc. for Phase II (Design Phase) of the Talbot County Community Center Addition Project – Rick Towle, Director, Parks & Recreation; John Farwell, Chairman, Talbot County Parks & Recreation Advisory Board – Mr. Towle and Mr. Farwell briefed the Council on the Parks & Recreation Advisory Board’s recommendation to move forward to solicit a Phase II design proposal from The Lukmire Partnership, Inc. for a proposed athletic complex addition to the Talbot County Community Center. Mr. Towle advised that to date only a Feasibility Study had been completed and same had been presented to Council during a recent work session. He further advised that there is no cost to the County for the design proposal, which would include the architect’s fees and estimates for same. Council discussion ensued. Upon motion by Mr. Bartlett, seconded by Mr. Pack, the Council approved allowing the Parks & Recreation Advisory Board to move forward with having The Lukmire Partnership, Inc. provide a free quote on the design phase for the addition to the Talbot County Community Center, including the length of time the quote is valid, by voting 4 – 1 as follows:

Mr. Harrison – Aye  
Mr. Pack – Aye  
Mr. Duncan – Nay  
Mr. Foster – Aye  
Mr. Bartlett - Aye

XII. County Manager’s Report:

- A. Talbot County Agricultural Land Preservation Advisory Board – Requested Council approval for the reappointment of John Sewell to a five-year term on the Talbot County Agricultural Land Preservation Advisory Board; said term will expire on March 13, 2015. Upon motion by Mr. Foster, seconded by Mr. Duncan, the Council approved the reappointment by voting 5 – 0 as follows:

Mr. Harrison – Aye  
Mr. Pack - Aye  
Mr. Duncan – Aye  
Mr. Foster – Aye  
Mr. Bartlett – Aye

- B. Talbot County Department of Social Service Board of Directors – Requested Council approval of the appointment of Carrie Gould-Kabler to the Talbot County Department of Social Services Board of Directors to complete the unexpired term of Dr. Morris Osborn; said term will expire on June 30, 2010. Upon motion by Mr. Pack, seconded by Mr. Duncan, the Council approved the appointment by voting 5 – 0 as follows:

Mr. Harrison – Aye  
Mr. Pack - Aye  
Mr. Duncan – Aye  
Mr. Foster – Aye  
Mr. Bartlett – Aye

XIII. Council Comments:

- Mr. Pack - Mr. Pack encouraged everyone to be safe with the impending storm approaching.
- Mr. Bartlett - Mr. Bartlett thanked everyone for helping their neighbors during the recent snow event, and thanked Emergency Services Director Clay Stamp and all those who continue working to clear the roads and keep people safe. He stated that there have been many unselfish acts by the good people in Talbot County, which, in his opinion, is a wonderful place to live. He continued that in these very trying times between the economy and the weather, it is very encouraging to see people helping people. Following Mr. Foster's comments, Mr. Bartlett stated that videos of County Council meetings can now be viewed by selecting "News Room" on the County's homepage: [www.talbotcountymd.gov](http://www.talbotcountymd.gov).
- Mr. Duncan- No comments.
- Mr. Foster - Mr. Foster commented on the issue of the requested use of school property by the St. Michaels Volunteer Fire Department, as brought up by Mr. Harrison at the Council meeting of January 26, 2010. Mr. Foster stated that, in his opinion, it is an issue of importance to the community, and that he had received much feedback from the public since the January 26<sup>th</sup> meeting, adding that the Fire Department has a 40-year history of holding a carnival. He advised that Mr. Harrison had received a letter from Board of Education President, Gloria Farrare, stating that the Board of Education could not discuss the matter in public. Mr. Foster continued that, in his opinion, it was surprising, since some aspects of the matter had already been discussed in public. He stated that, in his opinion, it would be a good idea to offer the Fire Department an opportunity to explain what they are requesting from the Board of Education, while also offering the Board of Education an opportunity to comment; however, he will respect the Board's decision. Mr. Foster concluded his comments by echoing Mr. Pack's remark, encouraging everyone to stay warm and safe. At Mr. Foster's request, Mr. Hollis advised the viewing audience of notification procedures in the event of the closure of County Government offices, as well as appropriate telephone numbers for Emergency Management and the Roads Department.
- Mr. Harrison - Mr. Harrison followed-up on Mr. Foster's comments regarding the request for use of school property by the St. Michaels Volunteer Fire Department. He stated that he had forwarded a letter to Board of Education President, Gloria Farrare, extending an invitation to the Board to appear before the Council to explain their denial of the Fire Department's request. He continued that Ms. Farrare had responded that the matter had been discussed in Executive Session and therefore could not be discussed in public. He indicated that he would accept Ms. Farrare's invitation to meet with her individually, in the meantime, adding that the Board of Education had already requested time on the Council's February 23<sup>rd</sup> agenda for another matter. Mr. Foster asked that the County make the Board of Education aware that an opportunity for comment exists. Mr. Harrison stated that he would be extending an invitation to the St. Michaels Volunteer Fire Department to comment on the matter at the Tuesday, February 23, 2010 Council meeting, continuing, that should they accept, an opportunity to comment will again be offered to the Board of Education.

- XIV. Upon motion by Mr. Pack, 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 on Tuesday, February 23, 2010 at 12:30 p.m. for discussion of legal, personnel, and real estate matters by voting 5 – 0 as follows:

Mr. Harrison - Aye  
Mr. Pack - Aye  
Mr. Duncan - Aye  
Mr. Foster - Aye  
Mr. Bartlett- Aye

The meeting adjourned at 3:45 p.m.

The transcript of the February 9, 2010 County Council meeting is available for review in the Office of the County Manager during regular office hours.

- XV. Prior to the meeting on February 9, 2010 an Executive Session of the Talbot County Council convened at 12:55 p.m. in the County Council Conference Room and Bradley Meeting Room. Upon motion by Mr. Duncan, seconded by Mr. Bartlett, the Council met in Executive Session by voting 4 - 0 as follows:

Mr. Harrison – Not present  
Mr. Pack – Aye  
Mr. Duncan – Aye  
Mr. Foster – Aye  
Mr. Bartlett – Aye

Mr. Harrison arrived at 1:20 p.m.

In accordance with State Article §10-508(a)(1)(i)(4)(7)(8) the purpose of the Executive Session was for a legal matter to receive an update on the permitting of Trappe Wastewater Treatment Plan by the Maryland Department of the Environment; to obtain an update on a litigation matter (Morton Bender et al vs. Talbot County, Maryland); and to obtain legal advice concerning a possible litigation matter involving the County; for a real estate matter involving a company's ability to expand in Talbot County; and for personnel matters to discuss appointments to various County boards and committees and to discuss the salary of an employee in Emergency Management (grant funded) The meeting recessed at 1:30 p.m., reconvened at 4:00 p.m. and ended at 5:25 p.m.

- XVI. Work Session with Emergency Services Advisory Board – Ruth Sullivan, Chairperson, Emergency Services Advisory Board; Members, Emergency Services Advisory Board – Due to impending inclement weather, the Work Session with the Emergency Services Advisory Board was postponed to a later date.

**CASH STATEMENT 2/2/2010**

<b>BALANCE 1/26/2010</b>	\$7,919,817.48
SHRT/SUMMONS ACCOUNT CHECKS	(65.99)
BOARD OF ELECTIONS PPE 12/15&12/29/2009	(11,144.42)
SALE & INTERES ON CE@TALBOT BANK	6,019,016.20
PURCHASE CD@TALBOT BANK	(3,000,000.00)
48 <a href="#">DAYS@.56%</a> , 3/16/2010	
PURCHASE CD@TALBOT BANK	(3,000,000.00)
76 <a href="#">days@.56%</a> , 4/13/2010	

UHC CLAIMS THRU 1/26/2010	(23,089.23)
BOARD OF EDUCATION 1/2010	(2,851,500.00)
2006 PUBLIC IMPROVEMENTS&REFUNDING BOND PYMT	(393,042.53)
RETURNED CHECK	50.00

DEPOSITS	1,113,715.59
CHECKS	(233,586.91)

**BALANCE 2/2/2010** **5,540,070.19**

**AIRPORT ACCOUNTS**

AIP29	27,092.10
AIP30	1,206.71
AIP-32	597.01
AIP33-DSA	2,505.00
NEW AIP-RUNWAY 4-22 EXTENSION ANALYSIS	-
AIP-34	9,495.00
AIP-35	71,396.00

**AIRPORT ACCOUNTS TOTAL BALANCE** **\$112,291.82**

**INVESTMENTS – CERTIFICATES OF DEPOSIT**

<u>CERTIFICATE DATE</u>	<u>MATURITY DATE</u>	<u>RATE</u>	<u>AMOUNT</u>
02/24/2009	02/23/10	2.76%	6,000,000.00
01/27/2010	06/16/10	0.56%	3,000,000.00
03/31/2009	03/31/10	2.11%	6,000,000.00
01/27/2010	04-13/10	0.56%	3,000,000.00
04/28/2009	04/27/10	1.61%	3,000,000.00
06/01/2009	04/27/10	1.56%	3,000,000.00
08/04/2009	05/25/10	1.03%	6,000,000.00
06/30/2009	06/29/10	1.51%	6,000,000.00
07/28/2009	07/27/10	1.14%	6,000,000.00
09/29/2009	08/31/10	0.79%	3,000,000.00
11/06/2009	08/31/10	0.62%	3,000,000.00
11/24/2009	09/28/10	0.60%	6,000,000.00

PNC - MLGIP INVESTMENTS TOTAL 0.14% 3,000,000.00

**TOTAL INVESTED** **\$57,000,000.00**

**PETTY CASH BALANCE** **\$6,500.00**

**GRAND TOTAL ALL FUNDS** **\$62,658,862.01**

**CASH STATEMENT 2/9/2010**

<b>BALANCE 2/2/2010</b>		\$5,540,070.19
INTEGRA 2/2010		(11,037.11)
GOLF COURSE EQUIPMENT LEASE 2/2010		(1,309.20)
UTMC QTRLY BOND PAYMENT 2/2010		(2,833.00)
UHC CLAMINS THRU 2/2/2010		(70,924.60)
SHRF/SUMMONS REFUNDS		(530.00)
AP/TRANS LOCAL MATCH TO AIP34		(272.00)
PAYROLL – FD/SS/MS WH 2/5/2010		(119,502.24)
SECUR DED		(10,788.47)
DEFERRED COMP DED		(8,968.45)
MD WH		(30,597.86)
PENSION DED		(22,517.79)
ACH TRANSFER		(11,650.00)
FLEX SPENDING ACCT		(2,460.29)
DEPOSITS		307,833.81
CHECKS		(1,000,721.21)
VOID CHECK NO.S 258999,259014,259078		374.09

**BALANCE 2/9/2010** **4,554,165.87**

**AIRPORT ACCOUNTS**

AIP29			27,092.10
AIP30	BALANCE 2/2/2010	\$ 1,206.71	
	DEPOSIT	37,496.00	38,092.10
AIP-32	BALANCE 2/2/2010	597.01	
	DEPOSIT	2,319.00	2,916.01
AIP33-DSA			2,505.00
NEW AIP-RUNWAY 4-22 EXTENSION ANALYSIS			-
AIP34	BALANCE 2/2/2010	9,495.00	
	TRANS FR GEN ACCT	272.00	
	CHECK	(272.00)	9,495.00
AIP-35			71,396.00

**AIRPORT ACCOUNTS TOTAL BALANCE** **\$152,106.82**

**INVESTMENTS – CERTIFICATES OF DEPOSIT**

<u>CERTIFICATE DATE</u>	<u>MATURITY DATE</u>	<u>RATE</u>	<u>AMOUNT</u>
02/24/2009	02/23/10	2.76%	6,000,000.00
01/27/2010	06/16/10	0.56%	3,000,000.00
03/31/2009	03/31/10	2.11%	6,000,000.00
01/27/2010	04-13/10	0.56%	3,000,000.00
04/28/2009	04/27/10	1.61%	3,000,000.00
06/01/2009	04/27/10	1.56%	3,000,000.00
08/04/2009	05/25/10	1.03%	6,000,000.00
06/30/2009	06/29/10	1.51%	6,000,000.00
07/28/2009	07/27/10	1.14%	6,000,000.00



09/29/2009	08/31/10	0.79%	3,000,000.00
11/06/2009	08/31/10	0.62%	3,000,000.00
11/24/2009	09/28/10	0.60%	6,000,000.00
PNC - MLGIP INVESTMENTS TOTAL		0.16%	3,000,000.00
<b>TOTAL INVESTED</b>			<b><u>\$57,000,000.00</u></b>
<b>PETTY CASH BALANCE</b>			<b><u>\$6,500.00</u></b>
<b>GRAND TOTAL ALL FUNDS</b>			<b><u>\$61,712,772.69</u></b>