



Talbot County, Maryland



Easton, Maryland

MINUTES

March 26, 2013

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

- I. Agenda – The Agenda of Tuesday, March 26, 2013 was brought forward for approval. Prior to approval, Ms. Price made a motion to include as a new Item V on the Agenda, following *Disbursements*, an update on Easton Airport Tower sequestration by Airport Manager, Mike Henry. Upon motion by Mr. Hollis, seconded by Mr. Pack, the Council approved the addition to the agenda by voting 4 – 0 as follows:

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

Mr. Bartlett then requested and received Council’s unanimous consent for approval of the Agenda of Tuesday, March 26, 2013, as amended.

- II. Minutes – Mr. Bartlett requested and received Council’s unanimous consent for approval of the Minutes of March 12, 2013.
- III. Disbursements – Mr. Bartlett requested and received Council’s unanimous consent for approval of the Disbursements of March 19, 2013 and March 26, 2013.
- IV. Update on Effects of Sequestration on Easton Airport – Mike Henry, Manager, Easton Airport; Micah Risher, Air Traffic Control Tower Chief, Easton Airport – Mr. Henry thanked the Council, the Town of Easton, and all other organizations and individuals for their support and efforts to keep the Easton Contract Air Traffic Control Tower open. Mr. Henry stated that, in his opinion, the scheduled closure of the air traffic control tower at Easton Airport on April 21, 2013, will present safety concerns. He stated that the Airport is working with the Federal Aviation Administration (FAA) to review both short-term and long-term solutions to the tower closings. Mr. Henry advised that the FAA will consider requests for an extension of the transition to closure for up to three weeks and that he will be making such a request. He stated that his office has been in discussions with Mid-West Air Traffic Control, which provides air traffic control services at Easton Airport, to insure a process by which the tower can be funded to remain open, should the FAA close the tower as scheduled. Mr. Henry advised that he will be meeting with Maryland Aviation Administration officials in the near future to discuss various scenarios for keeping the tower open. Mr. Risher stated that Easton has grown in the years since the installation of the Airport tower in 2007, there are now more structures in the flight path and more air ILS (Instrument Landing System) traffic than there was before the tower was installed; it is not simply a matter of returning to pre-tower days. Mr. Risher stated that tower logs report 20 to 25 incidents where the air traffic control tower intervened to a possible serious situation. Mr. Henry stated that should the tower no longer be operational, the Class D airspace will no longer exist and the airspace will become uncontrolled airspace; pilots will not be required to have a radio to land. Council discussion ensued with Mr. Henry and Mr. Risher. Mr. Henry will continue to update the Council.

V. Introduction of Numbered Resolutions:

A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWERAGE PLAN TO RECLASSIFY AND REMAP 56 EXISTING LOTS ALONG ALL OR PARTS OF THORNETON ROAD, CHANCE FARM ROAD, AND EDGE CREEK ROAD, NEAR THE VILLAGE OF ROYAL OAK, MARYLAND FROM THEIR CURRENT CLASSIFICATION OF "UNPROGRAMMED" TO "S-1" IMMEDIATE PRIORITY STATUS, TO APPROVE A CAPITAL PROJECT TO EXTEND SANITARY SEWER SERVICE FROM THE REGION II WASTEWATER TREATMENT PLANT ("PLANT") TO SERVE 53 DEVELOPED LOTS, TO ACCEPT GRANT FUNDING OF \$100,000 FROM THE MARYLAND BOARD OF PUBLIC WORKS, CHESAPEAKE BAY RESTORATION FUND FOR CONSTRUCTION OF A MAIN TRUNK SEWER COLLECTION LINE ("COLLECTOR") TO SERVE THESE 53 DEVELOPED LOTS, AND TO AUTHORIZE USE OF SUCH ADDITIONAL GRANT FUNDING AS MAY BE AWARDED UP TO \$20,000 PER LOT TO DEFRAY THE COSTS TO CONNECT INDIVIDUAL PROPERTIES, SUBJECT TO GRANT CONDITIONS AND RESTRICTIONS THAT INCLUDE PROHIBITING CONNECTION OF ANY PROPERTY NOT HAVING AN EXISTING ON-SITE SEWAGE DISPOSAL SYSTEM INSTALLED ON OR BEFORE OCTOBER 1, 2008; TO REQUIRE PROPERTY OWNERS TO PAY CONNECTION AND SERVICE CHARGES AS ESTABLISHED, FROM TIME TO TIME, TO CONVEY PORTIONS OF THE EXISTING OR CONSTRUCTED SEPTIC SYSTEM TO THE COUNTY AND GRANT AN EASEMENT TO THE COUNTY FOR ACCESS, MAINTENANCE, AND REPAIR OF THE SYSTEM, AND TO EXECUTE A PUBLIC WORKS AGREEMENT AS CONDITIONS OF ELIGIBILITY FOR CONNECTION TO THE COLLECTOR (*Thorneton Road, Chance Farm Road and Edge Creek Road, Royal Oak, Maryland*) was read into the record by the Clerk. Prior to introduction of the resolution, County Engineer Ray Clarke stated that his office has been working with the Maryland Department of the Environment on an application for funding of the project. He stated that the Planning Commission and the Public Works Advisory Board will review the resolution at their respective meetings on Wednesday, April 3, 2013 and that his office will hold a meeting with the residents at 7:00 p.m. on Thursday, April 4, 2013 at the Royal Oak United Methodist Church. The resolution was then introduced by Mr. Bartlett, Mr. Duncan (via absentee ballot), Mr. Hollis, Mr. Pack, and Ms. Price as Resolution No. 201. A public hearing was scheduled for Tuesday, April 16, 2013 at 5:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER & SEWERAGE PLAN TO RECLASSIFY AND REMAP TAX MAP 33, PARCEL 144, LOT 17, LOCATED AT 8349 AVELEY FARM ROAD, EASTON, MARYLAND FIRST ELECTION DISTRICT, TALBOT COUNTY, MARYLAND, (THE "PROPERTY") FROM THE CURRENT CLASSIFICATION OF "UNPROGRAMMED" TO "S-1" IMMEDIATE PRIORITY STATUS, TO MAKE THE PROPERTY ELIGIBLE FOR SEWER SERVICE FROM THE REGION II WASTEWATER TREATMENT PLANT (THE "PLANT"), AND TO AUTHORIZE EXTENSION OF SEWER SERVICE FROM THE PLANT TO THE PROPERTY (*Cahall Property, Aveley Farms, Easton, Maryland*) was read into the record by the Clerk. Prior to introduction, Mr. Clarke stated that the purpose of the proposed legislation is to provide extension of sewer service to the subject property which has been determined by the Office of Environmental Health to have no other options to remedy a failing septic system. The Planning Commission and the Public Works Advisory Board will review the resolution at their respective meetings on Wednesday, April 4, 2013. The resolution was then introduced by Mr. Duncan (via absentee ballot), Mr. Hollis, Mr. Pack, and Ms. Price as Resolution No. 202. A public hearing was scheduled for Tuesday, April 16, 2013 at 5:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER & SEWERAGE PLAN (THE “PLAN”), TABLE 16, TO ADD A NEW CAPITAL PROJECT TO UPGRADE THE TOWN OF EASTON’S WASTEWATER SYSTEM TO REPLACE THE EXISTING PUMP STATION AT THE EASTON AIRPORT WITH A GRAVITY SEWER LINE (*Easton Airport*) was read into the record by the Clerk. Prior to introduction, Mr. Clarke stated that the purpose of the proposed legislation is to amend the Capital Improvement Tables for the Town of Easton in order to incorporate the project for replacement of the pump stations at Easton Airport with a gravity sewer line into the County’s Comprehensive Water and Sewer Plan. He stated that the Airport is seeking funding for the project from the United States Department of Agriculture Rural Development Administration; incorporation of the project into the County Comprehensive Water and Sewer Plan is required by Rural Development. The resolution was then introduced by Mr. Bartlett, Mr. Duncan (via absentee ballot), Mr. Hollis, Mr. Pack, and Ms. Price as Resolution No. 203. The Planning Commission and the Public Works Advisory Board will review the resolution at their respective meetings on Wednesday, April 4, 2013. A public hearing was scheduled for Tuesday, April 16, 2013 at 5:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWERAGE PLAN, SEPTAGE MANAGEMENT PLAN, AND SOLID WASTE MANAGEMENT PLAN TO ADD A NEW CAPITAL PROJECT TO UPGRADE THE TALBOT COUNTY BIO-SOLIDS FACILITY LOCATED AT 9786 KLONDIKE ROAD, TAX MAP 18, PARCEL 57 TO ADD RECEIVING AND TREATMENT CAPABILITY FOR BROWN GREASE, EQUIPPED WITH ODOR CONTROL, PROPOSED FOR FY 2014 WITH FUNDING IN THE AMOUNT OF \$6,000,000 THROUGH THE RURAL UTILITY SERVICE PROGRAM, USDA RURAL DEVELOPMENT AGENCY(*Bio-Solids Facility, Klondike Road, Easton, Maryland*) was read into the record by the Clerk. Prior to introduction, Mr. Clarke stated that the purpose of the proposed legislation is to amend the Capital Improvement Tables of the County Comprehensive Water and Sewer Plan to include an upgrade for the County’s Bio-Solids Facility on Klondike Road. He stated that the Bio-Solids Facility also has its own septage management plan operated under a Maryland Department of the Environment Sludge Utilization Permit, and as such, the County’s Solid Waste Management Plan is also required to be updated. The resolution was then introduced by Mr. Bartlett, Mr. Duncan (via absentee ballot), Mr. Hollis, Mr. Pack, and Ms. Price as Resolution No. 204. The Planning Commission and the Public Works Advisory Board will review the resolution at their respective meetings on Wednesday, April 4, 2013. A public hearing was scheduled for Tuesday, April 16, 2013 at 5:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

VI. Introduction of Legislation:

A BILL TO REMOVE THE RESIDENCY REQUIREMENT FOR THE DIRECTOR OF PARKS AND RECREATION AND THE DIRECTOR OF GOLF OPERATIONS AT THE HOG NECK GOLF COURSE was read into the record by the Clerk. Prior to introduction, County Manager John Craig stated that the purpose of the proposed legislation is to remove the current requirement in the Talbot County Code that the Director of Parks and Recreation and the Director of Golf Operations at Hog Neck Golf Course be residents of Talbot County so that the decision for residency requirements could be made at the time of hire. Mr. Craig advised that other than the Director of Parks and Recreation and Director of Golf Operations, only four of the 18 County Department heads are required to live in Talbot County: the County Attorney, County Manager, County Engineer, and Planning & Zoning Officer. The legislation was then introduced by Mr. Bartlett, Mr. Duncan (via absentee ballot), Mr. Hollis, Mr. Pack, and Ms. Price as Bill No. 1234. A public hearing was scheduled for Tuesday, April 16, 2013 at 5:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

A BILL TO AUTHORIZE THE DEPARTMENT OF PUBLIC WORKS TO INSPECT AND MAINTAIN ON-SITE SEWAGE DISPOSAL SYSTEMS INSTALLED IN TALBOT COUNTY THAT HAVE BEEN APPROVED BY THE MARYLAND DEPARTMENT OF THE ENVIRONMENT ("MDE") AS BEST AVAILABLE TECHNOLOGY FOR REMOVAL OF NITROGEN, TO ESTABLISH A \$250 FEE FOR SUCH INSPECTION AND MAINTENANCE SERVICES, SUBJECT TO CHANGE BY THE COUNTY COUNCIL FROM TIME TO TIME, TO ESTABLISH MINIMUM TIME FRAMES, STANDARDS, AND PROCEDURES FOR ENFORCEMENT, CIVIL PENALTIES FOR NON-COMPLIANCE, AND TO AUTHORIZE COLLECTION OF UNPAID FEES OR CIVIL PENALTIES THROUGH USE OF EXISTING PROCEDURES FOR THE SALE OF REAL PROPERTY FOR NON-PAYMENT OF REAL PROPERTY TAXES was read into the record by the Clerk. Prior to introduction, Mr. Clarke stated that the State of Maryland is requiring that Talbot County establish a process for inspection and maintenance of on-site septic systems with denitrification units, the first of which were installed in 2007. He stated that requirements of the grant funding used to cover the cost of installation of the units also provided for inspection and maintenance of the systems for the first five years in the life of the system. He stated that after five years, the property owner is responsible for the cost of inspection and maintenance in order to comply with State requirements for operation of the system. The legislation was then introduced by Mr. Bartlett, Mr. Duncan (via absentee ballot), Mr. Hollis, and Mr. Pack as Bill No. 1235. A public hearing was scheduled for Tuesday, April 16, 2013 at 5:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

VII. Public Hearings:

Bill No. 1232, A BILL TO AMEND EXISTING PROCEDURES FOR APPLICATIONS TO THE COUNTY COUNCIL TO AMEND THE TEXT OF CHAPTER 190, TO AMEND THE OFFICIAL ZONING MAPS, AND PROCESS APPLICATIONS FOR GROWTH ALLOCATION AND APPLICATIONS FOR ESTABLISHMENT OR ENLARGEMENT OF SOLID WASTE DISPOSAL SITES, was read into the record by the Clerk and brought forward for public hearing. Prior to the public hearing, County Attorney Mike Pullen gave a brief outline of the purpose of the legislation. He stated that the legislation is intended to clarify the process by which citizens can apply for text amendments to the County zoning ordinance and zoning maps, and to clarify that the authority as to how or whether the application will be processed remains under the control of the Council; staff would obtain direction from the Council at the beginning of the application process. The public was then afforded an opportunity to comment on the legislation. Mr. Pullen then asked for a Point of Order, stating that staff had drafted an amendment to Bill 1232 for Council's consideration; the amendment, if approved, would further refine the language in the legislation to make it clearer that applications to amend the zoning ordinance or zoning maps are to the Council; he then outlined the provisions of the amendment. The public hearing on Bill No. 1232 was continued to Tuesday, April 9, 2013 at 2:00 p.m. The public hearing will be held in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601. The amendment was then introduced by Mr. Bartlett, Mr. Duncan (via absentee ballot), Mr. Pack, and Ms. Price. A public hearing on the amendment to Bill No. 1232 will be held on Tuesday, April 9, 2013 at 2:00 p.m. in the Bradley Meeting Room.

Bill No. 1233, A BILL TO REPEAL AND REENACT CHAPTER 70, "FLOODPLAIN MANAGEMENT ORDINANCE," TALBOT COUNTY CODE, IN CONNECTION WITH THE NOTICE OF FINAL FLOOD HAZARD DETERMINATIONS FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY; TO ADOPT THE FLOOD INSURANCE STUDY REPORT DATED AUGUST 5, 2013, AND TO ADOPT THE FLOOD INSURANCE RATE MAPS TO BECOME EFFECTIVE ON AUGUST 5, 2013 was read into the record by the Clerk and brought forward for public hearing. Prior to the public hearing, Assistant Planning Officer Mary Kay Verdery briefed the Council on the purpose of the legislation, to adopt Flood Insurance Rate Maps, the Flood Insurance Study Report dated August 5, 2013 and a floodplain management ordinance. She stated the adoption of the ordinance is required in order for

County citizens to be eligible for reduced rates for flood insurance coverage; Talbot County has used flood insurance rate maps as a part of its development review process since becoming a participant in the National Flood Insurance Program in 1985. Ms. Verdery stated that the current maps are paper maps which do not include landmarks or clearly defined property boundaries. She stated that the new Federal Emergency Management Agency (FEMA) maps are digital maps which provide clearly defined property boundaries as well as well-defined landmarks including rivers, trees, etc. and provided information for several websites where citizens can view how the new maps will impact their property. Ms. Verdery stated that the maps, which are scheduled to become effective on August 5, 2013, are an update of the riverine (non-tidal floodplains); once the Flood Insurance Rate Maps are adopted, FEMA will provide the County with preliminary coastal floodplain maps for consideration and adoption. She stated that her office has held several meetings with the Towns of Easton, St. Michaels, and Oxford to bring awareness to the mapping update project; updates have also been provided to residents by mail. Consultants Clive Graham and Jenifer Huff of Environmental Resources Management (ERM), whose services the County retained through a grant from the Maryland Department of Natural Resources Coast Smart Communities Initiative, provided a brief synopsis of the purpose of the proposed new ordinance and comparisons with the current ordinance. Ms. Huff stated that Talbot County is required to update its floodplain management ordinance in order to continue to participate in the National Flood Insurance Program. Council discussion ensued with Ms. Verdery and ERM representatives. The public was then afforded an opportunity to comment on the legislation. Upon motion by Mr. Pack, Bill No. 1233 was brought to third reader. The Council approved Bill No. 1233 by voting 5 – 0 as follows:

- Mr. Bartlett – Aye
- Mr. Hollis – Aye
- Mr. Pack – Aye
- Ms. Price – Aye
- Mr. Duncan – Aye (via absentee ballot)

Bill No. 1233 will become effective on August 5, 2013.

- VIII. Presentation of Findings of Facts for Bill No. 1231, A BILL TO AUTHORIZE FUTURE ACCEPTANCE, ROAD CLOSURE, AND TRANSFER OF A CERTAIN PORTION OF MD. RT. 662C (THE “ROADWAY”) IDENTIFIED IN AN AGREEMENT BETWEEN TALBOT COUNTY, MARYLAND AND THE STATE HIGHWAY ADMINISTRATION, WHICH ROADWAY SHALL NO LONGER BE NEEDED FOR PUBLIC USE AS A STATE HIGHWAY, AND THEREAFTER TO DONATE THE COUNTY'S INTEREST IN THE ROADWAY TO SHORE HEALTH SYSTEM, INC., ("SHS") FOR NO CONSIDERATION, BY CONFIRMATORY QUIT CLAIM DEED, WITHOUT WARRANTY OF ANY KIND, FOR USE BY SHS IN CONJUNCTION WITH PROPERTY OTHERWISE CONVEYED BY THE COUNTY TO SHS FOR CONSTRUCTION OF A NEW HOSPITAL AND REGIONAL MEDICAL CENTER were brought forward for Council’s consideration. Mr. Pullen stated that the Findings of Fact are a legal requirement before the County can accept or acquire property required for a valid public purpose. He stated that the Findings of Fact pertain to a right-of-way of a portion of MD Route 662 the County would be acquiring from the Maryland State Highway Administration (SHA); the SHA would be abandoning the subject portion of the roadway upon completion of the relocation of the roadway in order to accommodate the new regional medical center. Mr. Pullen gave a brief outline of provisions contained in the Findings of Fact, stating that they reflect the County's agreement to accept the subject portion of the roadway from the State, abandon the roadway as a public roadway, and transfer the abandoned portion of the roadway to Shore Health System for use in connection with the new regional medical center. He advised that the SHA has approved the relocation of the roadway, appropriate permits have or will be issued in the near future, and construction is anticipated to begin shortly. Upon motion by Mr. Pack, seconded by Mr. Hollis, the Council approved the Findings of Fact as presented by voting 5 – 0 as follows:

Mr. Bartlett – Aye
Mr. Hollis – Aye
Mr. Pack – Aye
Ms. Price – Aye
Mr. Duncan – Aye (via absentee ballot)

IX. Eligible for Vote:

Bill No. 1231, A BILL TO AUTHORIZE FUTURE ACCEPTANCE, ROAD CLOSURE, AND TRANSFER OF A CERTAIN PORTION OF MD. RT. 662C (THE “ROADWAY”) IDENTIFIED IN AN AGREEMENT BETWEEN TALBOT COUNTY, MARYLAND AND THE STATE HIGHWAY ADMINISTRATION, WHICH ROADWAY SHALL NO LONGER BE NEEDED FOR PUBLIC USE AS A STATE HIGHWAY, AND THEREAFTER TO DONATE THE COUNTY'S INTEREST IN THE ROADWAY TO SHORE HEALTH SYSTEM, INC., ("SHS") FOR NO CONSIDERATION, BY CONFIRMATORY QUIT CLAIM DEED, WITHOUT WARRANTY OF ANY KIND, FOR USE BY SHS IN CONJUNCTION WITH PROPERTY OTHERWISE CONVEYED BY THE COUNTY TO SHS FOR CONSTRUCTION OF A NEW HOSPITAL AND REGIONAL MEDICAL CENTER, was brought forward for vote. Prior to the vote, Mr. Pullen stated that Bill No. 1231 authorizes the County to enter into an agreement with the State Highway Administration to accept the roadway from the State, to close the road and to transfer the abandoned right-of-way, at no expense to the County, to Shore Health System. Upon motion Mr. Pack, seconded by Mr. Hollis, Bill No. 1231 was brought to third reader. Upon motion by Mr. Pack, and no objection by the Council, a full reading of the legislation was waived. The Council approved Bill No. 1231 by voting 5 – 0 as follows:

Mr. Bartlett – Aye
Mr. Hollis – Aye
Mr. Pack – Aye
Ms. Price – Aye
Mr. Duncan – Aye (via absentee ballot)

Bill No. 1231 will become effective sixty (60) days from its date of passage.

IX. Presentation on Proposed Forest Harvest Recommendations – Sandy Coyman, Planning Officer – Mr. Coyman briefed the Council on the Planning Commission’s recommendations with regard to current forest harvest rules and regulations in Talbot County; forest harvest regulations are enforced by the State of Maryland with permits for harvests granted by the County Department of Planning and Permits. He stated that the matter had been forwarded to the Planning Commission at Council’s request following concerns expressed to the Council by some residents of the Sailor’s Retreat community. Mr. Coyman stated that the Commission had held meetings with residents, representatives of the logging industry, and State foresters and had derived the following recommendations for Council’s consideration: (1) that the County Council authorize and budget for the County Planning and Permits Department to develop and have available a sign for property owners or their agent to voluntarily give advance notice of a forest harvest; to clearly state that a forest harvest is planned for the site; to provide a website address and phone number so that interested parties can obtain more information about the harvest; and to prominently display the sign at the harvest site; and (2) that clarifying language be added to Chapter 128 of the Talbot County Code (right to farm legislation) which clearly states that forest management and harvest practices are protected by the legislation; i.e., inserting *forestry* into the Chapter as a definition of agriculture. Mr. Coyman stated that the Planning Commission is requesting further direction from the Council with regard to drafting of legislation with regard to the matter. Mr. Coyman provided draft signage for Council’s review and discussion ensued with Mr. Coyman as to timeframe for advance notice, whether the advance notice should be voluntary or mandatory, information to include on the signage, size of the signage, and whether

property owners adjacent to the area planned for harvest should also be notified by mail. Teri Batchelor, Forester with the Maryland Department of Natural Resources, provided comments as to signage procedures used in surrounding counties. Following discussion, Council agreed that signage advising of pending forest harvests should be mandatory, the signage should be posted two weeks in advance of the harvest date, that adjacent property owners to the area to be harvested should be notified via mail by the Office of Planning and Permits, that the permit number assigned to the forest harvest project be referenced on the signage, and that *silvaculture* be specifically referenced in the County's Right to Farm legislation. Council requested that staff provide recommendations for posting of the signage for Council's consideration.

X. County Manger's Report:

- A. Talbot County Agricultural Land Preservation Advisory Board – Requested Council approval for the reappointment of Robert Saathoff, Sr. to a five-year term on the Talbot County Agricultural Land Preservation Advisory Board; said term will expire on March 13, 2018. Upon motion by Mr. Pack, seconded by Ms. Price, the Council approved the reappointment by voting 4 – 0 as follows:

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

- B. Bid No. 13-01, GRASS CUTTING SERVICES – PARKS, BALL FIELDS AND LANDINGS - TALBOT COUNTY, MARYLAND (Area 1) – Requested Council approval to award Bid No. 13-01 to the low bidder, Riverside Lawn Service, in the sum of \$18,779 for the 2013 season. Upon motion by Mr. Hollis, seconded by Mr. Pack, the Council approved the award by voting 4 – 0 as follows:

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

- C. Bid No. 13-02, CUTTING SERVICES – PARKS, BALL FIELDS AND LANDINGS - TALBOT COUNTY, MARYLAND (Area 2) – Requested Council approval to award Bid No. 13-02 to the second lowest bidder, T&D Unlimited in the sum of \$21,385 for the 2013 season. Mr. Craig stated that the low bidder for Bid No. 13-02, Riverside Lawn Service, prefers to relinquish his bid for Area 2. Upon motion by Mr. Pack, seconded by Mr. Hollis, the Council approved the award as recommended by voting 4 – 0 as follows:

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

- D. Bid No. 13-03, LAWN CARE SERVICES - TALBOT COUNTY BUILDINGS – Requested Council approval of the recommendation of the Director of Facilities Maintenance to award Bid No. 13-03 to the low bidder, Albright's Lawn Service, in the sum of \$300.00 per cut and to award a back-up contract to the second lowest bidder, Best Rate Lawn Care, in the sum of \$405 per cut in the event that Albright's is unable to fulfill the contract. Upon motion by Mr. Hollis, seconded by Mr. Pack, the Council approved the awards as recommended by voting

4 – 0 as follows:

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

- E. Change Order No. 16 - Bid No. 10-13, TALBOT COUNTY FREE LIBRARY BUILDING RENOVATION AND EXPANSION - EASTON, MARYLAND – Requested Council approval of a final Change Order for Bid No. 10-13 in the sum of \$45,090 to Scheibel Construction; said Change Order is related to several items necessary for the opening of the Library following renovation. Upon motion by Mr. Hollis, seconded by Ms. Price, the Council approved the final Change Order by voting 4 – 0 as follows:

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

- F. Contract with EnerNOC Demand Smart – Requested Council’s approval to enter into a five-year contract with EnerNOC Demand Smart for an energy curtailment program at several County facilities: Region II (including Martingham) and Region V Wastewater Treatment Plants, and the major pumping stations. By participating in the curtailment program during peak or test events, the County will be able to generate revenue in the sum of \$24,091 for the first year and \$16,000 per year for subsequent years of the contract. Upon motion by Ms. Price, seconded by Mr. Pack, the Council approved entering into the contract by voting 4 – 0 as follows:

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

- G. Replacement of Dump Truck Body – Requested Council approval of the Road Superintendent’s request to replace the body of a 1990 International Dump Truck at a cost of \$11,075, and to request that contingency funding be used for the purchase since the repair was not included in the FY 2013 Roads Department budget; the County Manager certified that contingency funding is available for the purchase. Upon motion by Mr. Hollis, seconded by Mr. Pack, the Council approved the purchase of a replacement dump truck body with contingency funding by voting 4 – 0 as follows:

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

- H. Resolution for Talbot County Bio-Solids Utilization Facility– Requested Council approval of a resolution authorizing the incurrence of debt from the United States Department of Agriculture Rural Development for treatment upgrades and improvements at the Talbot County Bio-Solids Utilization Facility and to repay loans incurred to the Sanitary Districts for purchase of the

facility; said debt is in the sum of \$5,975,000 for a term of 30 years at a rate of 1.875%, contingent upon the national USDA office award of funding; requested Council approval to submit a Letter of Intent and Request for Obligation of Funds for the project; Council discussion ensued with County Engineer Ray Clarke. Upon motion by Mr. Hollis, seconded by Ms. Price, the Council approved the Resolution, Letter of Intent and Request for Obligation of Funds by voting 4 – 0 as follows:

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

- I. Resolution for Easton Airport – Requested Council approval of a resolution authorizing the incurrence of debt from the United States Department of Agriculture Rural Development for improvements to the sewer system at Easton Airport which has been determined to be failing; said debt is in the sum of \$555,000 for a term of 30 years at a rate at less than 4% but which rate has yet to be determined; requested Council approval to submit a Letter of Intent and Request for Obligation of Funds for the project. Upon motion by Ms. Price, seconded by Mr. Hollis, the Council approved the Resolution, Letter of Intent and Request for Obligation of Funds by voting 4 – 0 as follows:

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

- J. Declaration of Restrictive Covenants – Requested Council approval to enter into a Declaration of Restrictive Covenants agreement for the purpose of reserving approximately 6.4 acres non-tidal wetlands adjacent to the Talbot County Community Center. County Attorney Mike Pullen stated that Talbot County, as owner of the property where Shore Health System plans to construct its new regional medical center, is required by the Maryland Department of the Environment to execute a Declaration of Restrictive Covenants to guarantee that there will be no disturbance of the identified preserved wetlands. He stated that execution of the Declaration is a condition which Shore Health System must satisfy in order to obtain a Maryland Department of the Environment Wetlands Permit for construction of the new regional medical center at that location. Mr. Pullen stated that the Declaration is an implementation of an agreement previously entered into by the County when it approved the consolidation and restatement of the Option Agreements with Shore Health System in January 2012, and which were originally executed in 2007. He stated that once the County’s obligation to convey the property is fulfilled, the County will no longer be responsible for enforcement of the covenants and would have no liability for violations. Upon motion by Mr. Hollis, seconded by Ms. Price, the Council approved entering into the agreement by voting 4 – 0 as follows:

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

XI. Council Comments:

Ms. Price - No comments.

Mr. Pack – Mr. Pack wished everyone a happy holiday season during Holy Week and wished everyone happy Passover.

Mr. Hollis No comments.

Mr. Bartlett - No comments.

XII. Upon motion by Mr. Pack, seconded by Mr. Hollis, the Council voted to adjourn to Executive Session for discussion of legal, personnel and real estate matters; to reconvene in Executive Session on Tuesday, April 9, 2013 at 12:30 for discussion of legal, personnel, and real estate matters, and at 1:30 p.m. for the regularly scheduled meeting. Mr. Bartlett then requested a motion to declare Tuesday, April 16, 2013 as a Special Legislative Day for introduction of the FY 2014 Budget; a motion was made by Mr. Pack and seconded by Mr. Hollis. The Council approved Tuesday, April 16, 2013 as a Special Legislative Day by voting 4 – 0 as follows:

Mr. Bartlett – Aye

Mr. Hollis – Aye

Mr. Pack – Aye

Ms. Price – Aye

The Council then voted to adjourn as previously requested by Mr. Bartlett by voting 4 – 0 as follows:

Mr. Bartlett – Aye

Mr. Hollis – Aye

Mr. Pack – Aye

Ms. Price – Aye

The meeting adjourned at 8:35 p.m.

The transcript of the March 26, 2013 County Council meeting is available for review in the Office of the County Manager during regular office hours.

XIII. On Tuesday, March 26, 2013, an Executive Session of the Talbot County Council convened at 5:20 p.m. in the County Council Conference Room and the Bradley Meeting Room. Upon motion by Mr. Pack, seconded by Ms. Price, the Council met in Executive Session by voting 4 – 0 as follows:

Mr. Bartlett - Aye

Mr. Hollis – Aye

Mr. Pack – Aye

Ms. Price – Aye

Mr. Duncan was absent.

In accordance with State Article § 10-508 (a)(1)(i)(3)(4)(7) the purpose of the Executive Session was for personnel matters to discuss appointments to various County boards and committees and to discuss candidates for Director of Parks and Recreation; for a legal/real estate matter for legal advice concerning

relocation of Memorial Hospital at Easton to County owned property and the timetable for same; and for a real estate matter to discuss possible disposal of County property. The Executive Session recessed at 6:00 p.m. and reconvened at 8:40 p.m. The Executive Session ended at 9:00 p.m.

XIII. Work Session on Proposed Comprehensive Water and Sewer Plan Amendment for Expansion of Sewer to Thorneton Road, Edge Creek Road and Chance Farm Road in Royal Oak, Maryland – Ray Clarke, County Engineer; Bill Wolinski, Environmental Engineer – The County Council held a Work Session with staff on Tuesday, March 19, 2013 at 4:30 p.m. to discuss a proposal to extend sewer service to Thorneton Road, Edge Creek Road and Chance Farm Road in Royal Oak, Maryland. The purpose of the proposed extension is to reduce the discharge of nitrogen into the groundwater from on-site septic systems. Mr. Clarke stated that the Maryland Board of Public Works recently approved \$100,000 in Bay Restoration Funding to be used toward the installation of a sewer force main in the subject area which meets the following criteria: the structures are within a Priority Funding Area; the area is already included in the Comprehensive Water and Sewerage Plan; the sewer service is being extended from a wastewater treatment plant which has been upgraded with Enhance Nutrient Removal technologies; and funds are being utilized for existing structures, not new growth. He stated that the funding is available upon the condition that same is utilized by June 30, 2013. Mr. Clarke stated that the 56 lots in the subject area are stipulated as a Tier III B area on County maps, a future planned sewer service area with no growth; the County adopted the maps in December 2012 under the guidelines of Maryland Senate Bill 236. Mr. Clarke stated that qualified homeowners who wish to connect to the system could receive up to \$20,000 in State grant funding toward connection costs; 53 of the 56 lots are eligible to tie into the sewer system as they had an existing on-site septic system as of October 1, 2008; the remaining 3 lots are vacant and will not allowed to tie into the system. Mr. Clarke stated that extension of sewer service to the location has been determined to provide more environmental benefits than would the installation of denitrification units to the existing on-site septic systems. Council discussion ensued with Mr. Clarke and those in attendance. Mr. Clarke stated that in order to proceed with the project, the Council will need to amend the Comprehensive Water and Sewerage Plan to change the designation of the area from “un-programmed” to “S-1,” immediate priority status for sewer service; depending upon construction costs for extension of the force main, extension of sewer service to Edge Creek Road and Chance Farm Road may be temporarily postponed until FY 2014. An amendment to the County’s Comprehensive Water and Sewerage Plan is scheduled for introduction on Tuesday, March 26, 2013.

CASH STATEMENT 3/19/2013

| | |
|-------------------------------|-------------------------------|
| BALANCE 3/12/2013 | \$22,741,968.24 |
| UHC CLAIMS THRU 3/12/2013 | (74,648.53) |
| INTEGRA 3/2013 | (18,000.00) |
| PAYROLL-FD/SS/MS WH 3/15/2013 | (114,141.36) |
| SECUR DED | (8,238.16) |
| DEFERRED COMP DED | (9,335.60) |
| MD WH | (28,522.67) |
| PENSION DED | (28,036.67) |
| ACH TRANSFER | (10,046.75) |
| FLEX SPENDING ACCT | (2,453.59) |
| DEPOSITS | 207,699.29 |
| CHECKS | (523,072.32) |
| BALANCE 3/19/2013 | <u>\$22,133,171.88</u> |

AIRPORT ACCOUNTS

| | | | | |
|------------------------------------|-------------------|-----------|--|-----------|
| AIP-RUNWAY 4-22 EXTENSION ANALYSIS | | | | -- |
| AIP-34 | | | | 49,144.15 |
| AIP-35 | | | | 36,284.23 |
| AIP36 | BALANCE 3/12/2013 | 8,520.90 | | |
| | DEPOSITS | 10,751.68 | | 19,272.58 |
| AIP37 | | | | 1,409.19 |
| AIP38 | | | | 14,013.26 |

AIRPORT ACCOUNTS TOTAL BALANCE \$120,123.41

INVESTMENTS – CERTIFICATES OF DEPOSIT

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

| | | | |
|-----------------------------|--|-------|---------------|
| PNC-MLGIP INVESTMENTS TOTAL | | 0.10% | 18,000,000.00 |
|-----------------------------|--|-------|---------------|

TOTAL INVESTED \$18,000,000.00

PETTY CASH BALANCE \$8,320.00

GRAND TOTAL ALL FUNDS \$40,261,615.29

CASH STATEMENT 3/26/2013

BALANCE 3/19/2013 \$22,133,171.88

| | |
|--|--------------|
| PNC/MLGIP INTEREST ON ACCT 2-2013 | 1,538.46 |
| UHC CLAIMS 3/19/2013 | (55,058.27) |
| AIRPORT TRANSFER TO AIP34 | (758.00) |
| SUMMONS ACCOUNT STOPPED PAYMENT CHECKS | 180.00 |
| DEPOSITS | 480,781.45 |
| CHECKS | (945,147.89) |
| VOID CHECK NO.S 282154 | 50.00 |

BALANCE 3/26/2013 \$21,614,757.63

AIRPORT ACCOUNTS

| | | | | |
|------------------------------------|-------------------|-----------|--|-----------|
| AIP-RUNWAY 4-22 EXTENSION ANALYSIS | | | | -- |
| AIP-34 | BALANCE 3/19/2013 | 49,144.15 | | |
| | DEPOSITS | 758.00 | | 49,902.15 |
| AIP-35 | | | | 36,284.23 |
| AIP36 | | | | 19,272.58 |
| AIP37 | | | | 1,409.19 |
| AIP38 | | | | 14,013.26 |

AIRPORT ACCOUNTS TOTAL BALANCE \$120,881.41

INVESTMENTS – CERTIFICATES OF DEPOSIT

| <u>CERTIFICATE DATE</u> | <u>MATURITY DATE</u> | <u>RATE</u> | <u>AMOUNT</u> |
|------------------------------|----------------------|-------------|-------------------------------|
| PNC-MLGIP INVESTMENTS TOTAL | | 0.11% | 18,000,000.00 |
| TOTAL INVESTED | | | <u>\$18,000,000.00</u> |
| PETTY CASH BALANCE | | | <u>\$8,320.00</u> |
| GRAND TOTAL ALL FUNDS | | | <u>\$39,743,959.04</u> |