



TALBOT COUNTY, MARYLAND

County Council

MINUTES

November 23, 2021

Present – President Chuck Callahan, Frank Divilio, Corey Pack, Laura Price, County Manager Clay Stamp, and County Attorney Patrick Thomas. Vice President Pete Leshar participated via conference call.

- I. Agenda – Mr. Callahan requested and received unanimous consent for approval of the Agenda of Tuesday, November 23, 2021.
- II. Minutes – Mr. Callahan requested and received unanimous consent for approval of the Minutes of Tuesday, October 26, 2021 and Tuesday, November 9, 2021.
- III. Disbursements – Mr. Callahan requested and received unanimous consent for approval of the Disbursements of Tuesday, November 16, 2021 and Tuesday, November 23, 2021.
- IV. Update by Maryland Environmental Service – Tim Ford, Managing Director – Environmental Operations, Maryland Environmental Service; Gary Lasako, Senior Project Manager, Maryland Environmental Service. Mr. Ford outlined some of the services Maryland Environmental Service (MES) provides throughout the state, including water, wastewater, and solid waste management services. He utilized a PowerPoint presentation to provide a brief history of the Mid-Shore Agreement, an 80-year agreement which began in 1991 between the counties of Caroline, Kent, Queen Anne’s and Talbot for management of solid waste whereby each participating county is obligated to host a landfill within their county for a period of 20 years. He stated that on December 18, 2020, Talbot County approved an amendment to Contract 11-08-12 for extension of the Homeowner Drop-Off and Transfer station through December 31, 2030. He provided statistical information on tonnage of solid waste and yard waste received, and the number of homeowner drop-off customers utilizing the Mid-Shore I transfer station for the timeframe April 2021 through September 2021. He stated that the amount of solid waste received at the transfer station and the homeowner drop-off has increased by 13% compared to the same timeframe three years ago. He provided information on post closure activities at Mid-Shore I, operations at Mid-Shore II in Ridgely, the timeline for the permitting process for Mid-Shore III, scheduled to open in Queen Anne’s County in 2030, and revenue received from carbon credits from the flaring of landfill gasses at Mid-Shore I, the proceeds of which are used toward closure costs. Mr. Ford stated that although the budgets for the Mid-Shore Regional Solid Waste Facilities are still being finalized for the upcoming year, tipping fees, which have not increased since 2014, are anticipated to increase. Information was also provided on oil recycling and the Mid-Shore Recycling Program; Council discussion ensued with Mr. Ford and Mr. Lasako as various matters were brought forward. Maryland Environmental Service will continue to update the Council on a regular or as-needed basis.
- V. Update by Talbot Soil Conservation District and Request for Increase in Erosion and Sediment Control Review Fees – Shawn Smith, District Manager, Talbot Soil Conservation District; John Swaine, III, Chairman, Board of Supervisors, Talbot Soil Conservation District – Mr. Smith outlined the various services the Talbot Soil Conservation District, founded in 1958, provides to the citizens of Talbot County, including, since 1992, the review and improvement of erosion and sediment control plans on a fee for service basis. Mr. Smith requested Council approval of the proposed fee increases outlined in the Soil Conservation District’s letter to the Council dated November 17, 2021. He stated that the proposed increases, which have been approved by the Board and are in line with the fees of neighboring counties, will be used to help offset efforts to promote soil conservation in Talbot County. He stated that the fees were last increased in 2014. The proposed fees are as follows:

Plan Type	Application Fee	Review Fee	Total
Standard Plan (typically single family home on lots < 2 acres)	\$100.00	\$100.00	\$200.00
Engineered Plan (for disturbance on lots > 2 acres)	\$100.00	\$225.00/acre	\$325.00
Forest Harvest Plan	\$100.00	\$50.00	\$150.00
Shoreline Plan	\$100.00	\$50.00	\$150.00
Agricultural Plan	\$100.00	\$50.00	\$150.00
Town/Municipality/County Plan	\$100.00	\$100.00/acre	\$200.00
Revision		\$50.00	\$50.00
Renewal (before 3 year expiration-one time only)		\$200.00	\$200.00
Exemption Letter		\$35.00	\$35.00

Council discussion ensued with Mr. Smith and Mr. Swaine. At Council’s request, the Talbot Soil Conservation District will publish a notice regarding the proposed fee increases in *The Star Democrat* as well as posting the fee increases on the Talbot Soil Conservation District’s website. Upon motion by Mr. Pack, seconded by Ms. Price, the Council approved the proposed fee increases by voting 5 – 0 as follows:

Mr. Callahan – Aye
Mr. Divilio – Aye
Mr. Leshner – Aye (via telephone)
Ms. Price – Aye
Mr. Pack - Aye

The new fee schedule will take effect on January 1, 2022.

VI. Introduction of Numbered Resolution:

A RESOLUTION TO ADOPT A REDISTRICTING PLAN FOR BOARD OF EDUCATION ELECTION DISTRICTS PURSUANT TO § 3-12A-01 OF THE EDUCATION ARTICLE OF THE ANNOTATED CODE OF MARYLAND was read into the record by the Clerk and brought forward for introduction. Prior to introduction, Patrick Thomas, County Attorney, stated that, per State law following each decennial census, the County appoints a redistricting commission to redraw the seven election districts for the Board of Education members. He stated that the redistricting commission consists of four nominees from the Republican Central Committee, four nominees from the Democratic Central Committee and an at-large member who prepare the seven proposed districts based on the Census information. He stated that one of districts must be a majority-minority district of individuals over the age of 18 (voting age). The districts are required to be reasonably compact, contiguous and substantially equal in population, and, in accordance with legal principles established by law, ensure that one (1) or more of the election districts encompasses residents in which a majority of the voting age population consists of racial minorities. The legislation was introduced by Mr. Callahan, Mr. Divilio, Mr. Leshner (via telephone), Mr. Pack, and Ms. Price as Resolution No. 312. A public hearing was scheduled for Tuesday, December 14, 2021 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

VII. Council Election of Officers: Mr. Callahan was elected president of the Council for 2021-2022; Mr. Leshner was elected vice president for 2021-2022.

VIII. County Manager’s Report:

A. Talbot County Weed Control Committee – Requested Council approval for the appointment of Levin Schwaninger, Jr. to a three-year term on the Talbot County Weed Control Committee; said term will expire on July 1, 2024. Upon motion by Mr. Pack, seconded by Mr. Divilio, the Council approved the appointment by voting 5 – 0 as follows:

Mr. Callahan - Aye
Mr. Divilio – Aye
Mr. Leshner – Aye (via telephone)
Ms. Price – Aye
Mr. Pack – Aye

B. Request from Roads Department – Requested Council approval of the Roads Superintendent’s recommendation to purchase a used 2016 Powerscreen Warrior 800

track-mounted screen from Aggregate Screens & Crushers in the sum of \$115,000; funding for the purchase is available in the budget established for the repurposing center. Upon motion by Mr. Pack, seconded by Mr. Divilio, the Council approved the purchase by voting 5 – 0 as follows:

Mr. Callahan - Aye
Mr. Divilio – Aye
Mr. Leshner – Aye (via telephone)
Ms. Price – Aye
Mr. Pack – Aye

- C. Bid No. 21-12, REQUEST FOR PROPOSALS - REMOVAL OF COUNTY OWNED CONFEDERATE MONUMENT FROM TALBOT COUNTY COURTHOUSE GREEN – 11 NORTH WASHINGTON STREET, EASTON, TALBOT COUNTY, MARYLAND - Mr. Stamp stated that, per the direction of a majority of the Council at the Tuesday, September 14, 2021 Council meeting, staff had issued an RFP (Request for Proposals) for relocation of the Talbot Boys monument. He stated that the RFP was advertised and one (1) bid was received. Mr. Stamp then requested Council approval to award Bid No. 21-12 to the sole bidder, Stratified Incorporated of Washington, DC, in the sum of \$67,000, contingent upon the project being fully funded by Mid-Shore Community Foundation; no County funds are required. Mr. Pack made a motion to award the bid as outlined and Council discussion ensued with regard to whether procedurally discussion should take place before or after a motion was made; Mr. Divilio seconded the motion and the matter was opened for discussion. Mr. Leshner made a motion to amend the motion to give the County Manager the flexibility to present to the Council for their consideration by December 6th, any acceptable alternative locations which may be submitted for the monument in time for review before the Council’s December 14th meeting as part of the award of the bid. Any deviation to the destination approved by Council will be authorized at the December 14th meeting through an amended administrative resolution prepared by the County Attorney. If there are no alternative destinations submitted to the County by December 6th and subsequently approved by the Council on December 14th, the proposal goes forward as submitted for removal of the monument from the Courthouse grounds to the Cross Keys Battlefield located in Harrisonburg, Virginia. Mr. Leshner stated that County staff will have the ability to amend the scope of work in the contract with the bidder for the final destination based on Council’s direction. He stated that the location for the monument would need to offer perpetuity, authenticity, and public access as offered by the Cross Keys Battlefield location in Virginia. The motion was seconded by Ms. Price. The Council did not approve the amendment to the motion by voting 2 – 3 as follows:

Mr. Callahan - Nay
Mr. Divilio – Nay
Mr. Leshner – Aye (via telephone)
Ms. Price – Aye
Mr. Pack – Nay

Mr. Callahan then clarified that he wished to vote in favor of the amendment. The record was changed to reflect that the amendment was approved by a vote of 3 – 2.

The Council then voted unanimously to approve the amended motion to award Bid No. 21-12 to Stratified, Inc., in the amount of \$67,000 contingent upon the project being fully funded by the Mid-Shore

Community Foundation with no County funds required, and further providing flexibility for the Council to review with the County Manager any submitted proposals for alternative locations for the monument that offer perpetuity, authenticity, and public access like the Cross Keys battlefield location in Virginia offers with alternative locations to be submitted for Council's consideration by December 6, 2021 for consideration at their December 14, 2021 meeting.

- D. County Offices Closed – Mr. Stamp stated that County offices will be closed on Thursday, November 25, 2021 in honor of Thanksgiving Day and on Friday, November 26, 2021 in honor of American Indian Heritage Day.

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

X. Council Comments:

Mr. Divilio - Mr. Divilio stated that he sits on the Neighborhood Service Center Board of Directors, one of the many boards and committees on which the Council members sit and that Mr. Pack previously sat on the Neighborhood Service Center Board. He stated that, in his opinion, it is one of the organizations in Easton which could use donations of extra canned goods and extra warm clothing. He stated that contribution of money (after December 1) can help assist those who are just above the threshold to receive assistance from the organization and have decent careers, but just need some help paying their electric bills, etc. He commented on a statement made by Dr. Kelly Griffith during her recent presentation to the Council that there are 164 homeless children in Talbot County Public Schools who have been identified as having a need for assistance. He stated that the Neighborhood Service Center has a new website which he encouraged citizens to “like” and “share” on social media to get the word out that assistance is available.

Mr. Leshner - Mr. Leshner noted that during the Council proceedings, the Council had unanimously voted to award a bid to move the monument. He stated that he did not expect it and, in his opinion, it is pretty extraordinary and expressed his appreciation to his colleagues.

Mr. Pack - Mr. Pack commended Mr. Leshner for picking up on the fact that Council had unanimously voted to move the statue from the Courthouse grounds. He clarified that the statue will be moved and the bid will be awarded as Mr. Stamp had read into the record. He stated that if the County receives no proposals on viable locations other than the Cross Keys location, then the Cross Keys location is, in his opinion, probably the best location for this type of monument. He expressed his appreciation to Mr. Divilio for seeking out the organization and having a conversation with Cross Keys. He reiterated his previous statement that, in his opinion, the battlefield is an appropriate place for this type of monument, stating that the battlefield has monuments from all over the country, and it is not unusual for a battlefield to have monuments to individuals born in another state. He stated that the County has a bidder, the bid will be awarded, the bidder notified that his bid has been accepted, and he will start the preliminary planning process for removal of the statue. Mr. Pack stated that the Council wants the removal to be done respectfully and with the utmost care, and that the bidder needs to begin working with County staff on the process of removal. Mr. Pack stated that should the Council not hear anything about alternate proposals on December 14th, the County will proceed with the Cross Keys location. He assured everyone that the statue will be moved, and as Mr. Leshner had pointed out, by

unanimous vote. He stated that, in his opinion, it should be a front page story that the Council voted unanimously to move the statue. Mr. Pack named several boards and committees on which he and his colleagues serve and encouraged citizens interested in volunteering on the County's many boards and committees to contact the County Manager's Office for more information. Mr. Pack concluded his comments by encouraging those who could do so, to get vaccinated, stating he had now been fully immunized, including having had a flu shot. Mr. Pack concluded his comments by wishing everyone a happy and safe Thanksgiving.

Ms. Price - Ms. Price wished everyone a very happy and safe Thanksgiving.

Mr. Callahan – Mr. Callahan agreed with Mr. Pack's statement that all the Council members had tried to get to a certain place this evening. He stated that he was sorry that Mr. Pack was disappointed in the Council but agreed with his statement that it is a tough job up here making crucial decisions. He stated that he wanted everyone to understand that he and Ms. Price voted against moving the statue and that they tried to create a situation to keep the statue here and that's the reason they voted the way they did. He stated that, in his opinion, some people may think that it's over and done but the people that may have a place for it to go have another couple of weeks to submit their proposals. He reiterated that what they were trying to do was to create a situation to please everyone and keep the statue in Talbot County. He stated that, in his opinion, it's all about compromise. Discussion ensued between Mr. Callahan and Mr. Pack.

XI. Upon motion by Mr. Divilio, seconded by Ms. Price, the Council voted to adjourn and to reconvene on Monday, December 13, 2021 at 5:00 p.m. in the Bradley Meeting Room to continue the public hearing on Resolution No. 308, the purpose of which is solely for the petitioner, Daniel Watson, to complete his presentation to the County Council; all other public comments on Resolution No. 308 will be received on December 14, 2021 during the public hearing portion of the meeting; and to reconvene on Tuesday, December 14, 2021 at 4:00 p.m. in the Bradley Meeting Room for a work session Planning and Zoning to discuss their Strategic Plan, and at 5:00 p.m. in Open Session, 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. Callahan - Aye
Mr. Divilio – Aye
Mr. Leshner – Aye (via telephone)
Ms. Price – Aye
Mr. Pack – Aye

The meeting adjourned at 7:45 p.m.

The transcript of the November 23, 2021 County Council meeting is available for review in the Office of the Talbot County Manager during regular office hours.

XII. Annual Meeting with Local Delegation – The Council met with Senator Addie Eckardt, Delegate Johnny Mautz, and Delegate Christopher Adams on Tuesday, November 16, 2021 at 6:00 p.m. in the Wye Oak Room to discuss the 2022 Legislative Session. The Council requested the delegation's support for the following Maryland Association of Counties (MACo) 2022 Legislative Initiatives: Reinvestment in Local Transportation Infrastructure; Protection of Local Officials Against Threat and Intimidation; Ensure Funding Fairness and County Role in Elections; and Reset Emergency Transport as a Realistic Recognition

of Care. Other matters brought forward for discussion included: Impact of Police Reform Legislation on Talbot County Sheriff’s Office and County Budget, including a presentation by Sheriff Joe Gamble; Discussion of Maryland Court of Appeals Finding Regarding Penalty Assessments; Request for More Diversity on Kirwan Accountability and Implementation Board; discussion of federal Infrastructure Legislation and Request for Advocacy to Ensure State Distributes Funds Equitably to Local Jurisdictions; Discussion of Chesapeake Bay Crossing Study and Concern with Bottleneck Congestion through Talbot County; Discussion of Proposed Modification to Talbot County Accommodations Tax, including a presentation by Cassandra Vanhooser, Director, Department of Economic Development and Tourism; Discussion of Legislation for Correctional Officers Retirement Systems (CORS) – Talbot County; Discussion of Proposed Opioid Litigation Settlement Terms; and Discussion of Deer Management in Talbot County and Proposed Programs. Council and Staff discussion ensued with members of the local delegation as each matter was brought forward. The meeting adjourned at 7:25 p.m.

XIII. Summary of Closed Session Held on November 23, 2021:

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

Time of closed session: 4:35 p.m. to 5:35 p.m.
 Place of closed session: County Council Office, 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, 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
Legal advice on potential litigation (Petition 21-02/Preserve	GP § 3-305 (b) (7)(8)	Confidential attorney-client discussion regarding outcomes from	Chuck Callahan, Frank Divilio, Pete Leshner, Corey Pack, Laura Price, Clay Stamp,	No action

Talbot History, Inc.)		11/22/21 Court hearing and next steps	Jessica Morris, Patrick Thomas	
Update on litigation involving Robin Ficker	GP § 3-305 (b)(7)(8)	Confidential attorney-client discussion regarding settlement status	Chuck Callahan, Frank Divilio, Pete Leshner, Corey Pack, Laura Price, Clay Stamp, Jessica Morris, Patrick Thomas	No action
Update regarding Hollingsworth code enforcement matter and Board of Appeals hearing	GP § 3-305 (b)(7)(8)	Confidential attorney-client discussion regarding potential resolution	Chuck Callahan, Frank Divilio, Pete Leshner, Corey Pack, Laura Price, Clay Stamp, Jessica Morris, Patrick Thomas	No action

CASH STATEMENT 11/16/2021

BALANCE 11/09/2021	51,753,999.25
TOTAL ADP PAYROLL PPE 10/29/2021	(702,741.26)
PENSION DED PPE 10/29/2021	(41,078.78)
DEFERRED COMP DED PPE 10/29/2021	(20,028.83)
DEFERRED COMP PPE 10/29/2021 PLAN 401(A)	(6,816.86)
AGRICULTURAL TRANSFER TAX 10/2021	(26,000.00)
CIGNA CLAIMS PAID THRU 11/8/2021	(85,038.46)
STATE REPORT 10/2021	(214,272.46)
ELECTION BOARD PPE 10/19/2021 & 10/26/2021	(11,413.18)
USDA/RD MTHLY BOND PYMT #97-08	(1,304.00)
USDA/RD QTRLY BOND PYMT #92-04	(2,833.00)
DEPOSITS	1,016,019.98
CHECKS	(537,804.78)
BALANCE 11/16/2021	<u>51,120,687.62</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>81,837,110.87</u>

CASH STATEMENT 11/23/2021

BALANCE 11/16/2021		51,120,687.62
CIGNA CLAIMS PAID THRU 11/15/2021		(53,185.74)
HOG NECK GOLF COURSE SALES & USE DUE 11/20/2021		(859.53)
COMMUNITY CENTER SALES & USE DUE 11/20/2021		(447.56)
WELLS FARGO GOLF EQUIPMENT LEASE PYMT		(4,092.00)
USDA/RD QTRLY BOND PYMT #92-16		(6,626.00)
USDA/RD QTRLY BOND PYMT #92-14		(13,086.00)
BANK CHARGES 10/2021		(4,855.15)
INTEREST ON ACCOUNTS 10/2021		4,146.98
DEPOSITS		1,475,154.54
CHECKS		(673,294.07)
BALANCE 11/23/2021		<u>51,843,543.09</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>82,559,966.34</u>

