



TALBOT COUNTY, MARYLAND

County Council

MINUTES

September 10, 2019

Present – President Corey W. Pack, Vice President Chuck F. Callahan, Frank Divilio, Pete Leshner, Laura Price, County Manager R. Andrew Hollis, and Assistant County Attorney Mary O'Donnell. County Attorney Anthony Kupersmith was absent.

- I. Agenda – Mr. Pack requested and received Council's unanimous consent for approval of the Agenda of Tuesday, September 10, 2019.
- II. Disbursements – Mr. Pack requested and received Council's unanimous consent for approval of the Disbursements of Tuesday, September 3, 2019, and Tuesday, September 10, 2019.
- III. Council Consideration of Approval of Council Meeting Protocols – Prior to consideration of approval, Mr. Pack stated that Council had decided to allow time for "public comments" as part of the regular agenda moving forward. He stated that the meeting protocols which are scheduled for approval include, among other provisions, the individual providing his or her name, address, and the subject matter on which they wish to speak on a sign-up sheet. He stated that the "public comments" agenda item will usually be placed toward the end of the agenda and that the individual may speak on any topic, as long as the matter is within the purview of the Council. Council discussion ensued. Upon motion by Mr. Leshner, seconded by Ms. Price, the Council approved the meeting protocols as drafted by voting 5 – 0 as follows:
 - Mr. Pack – Aye
 - Mr. Divilio – Aye
 - Mr. Callahan – Aye
 - Ms. Price – Aye
 - Mr. Leshner - Aye
- IV. Public Comments - Members of the public were afforded an opportunity to comment on various matters related to Talbot County. Several individuals commented on the administrative resolution related to short-term rental properties. The Administrative Resolution is scheduled for vote later in the meeting.
- V. Proclamation: National Preparedness Month – September 2019 – Prior to presentation of the proclamation, Clay Stamp, Director, Talbot County Department of Emergency Services, expressed his appreciation to the Council for their leadership and support of emergency preparedness programs. Geneva Harrison, Talbot County Emergency Management Coordinator, recognized those County partners in attendance. The Clerk read a proclamation into the record which spoke of the need for increased public awareness of the importance for individuals, businesses, schools, and houses of worship to have an emergency plan in place for the various types of disasters which may occur. The proclamation also spoke of the importance of the partnership between the Talbot County Department of Emergency Services and the various agencies and organizations involved in the coordination of emergency planning. Upon motion by Mr. Callahan, seconded by Mr. Divilio, the Council approved the proclamation by voting 5 – 0 as follows:

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

Council members expressed their appreciation to Mr. Stamp, Ms. Harrison and their community partners for the work they do to help ensure the safety of county residents. Mr. Divilio presented the Proclamation to Mr. Stamp, Ms. Harrison, and representatives of the various community agencies in attendance.

- VI. Presentation by For All Seasons, Inc. – Beth Anne Langrell, Executive Director, For All Seasons, Inc. – Ms. Langrell briefed the Council on her organization’s suicide prevention campaign, *No Matter What, You Matter*, the events planned during the campaign, and the prevalence of suicide among various age groups. She stated that the goal of the campaign is to connect individuals with the assistance they need. Ms. Langrell stated that For All Seasons, Inc. has received support from the County and the Town of Easton, as well as over 30 restaurants and businesses in Talbot County. She stated that a portion of the proceeds donated by various restaurants during *Shop and Dine Week in Easton*, to be held the first week in October, will be used to fund one same day crisis appointment specifically designated to members of the community who are having thoughts of suicide or the family member of someone lost to suicide; 400 individuals have been served through the program over the last two years. Council discussion ensued with Ms. Langrell.
- VII. Proclamation: Suicide Prevention Week – The Clerk read a proclamation into the record which spoke of the prevalence of suicide as one of the leading causes of death, particularly among young people, and the efforts by public and private organizations to reduce the number of suicides through the provision of adequate and accessible behavioral health services. Upon motion by Mr. Callahan, seconded by Mr. Divilio, the Council approved the proclamation by voting 5 – 0 as follows:

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

Mr. Leshner presented the Proclamation to Ms. Langrell.

- VIII. Update by Talbot County Board of Health – Fredia Wadley, M.D., Talbot County Health Officer – Dr. Wadley updated the Council on the various types of addictive drugs, included the often overlooked drug of, and addiction to, alcohol. She provided information on different methods of addiction treatment, the likelihood of co-occurring mental health issues with substance abuse, the role adverse childhood experiences and genetic propensity play in addition, rehabilitation and relapse statistics as well as increases/decreases in overdoses and deaths from overdoses. Dr. Wadley provided information on decreases in the number of opioid prescriptions issued, improved storage and disposal options, improvements in addiction treatment options, the use of federal and State funding for treatment of addiction, access to earlier mental health services for children, and the continued challenge of mental health providers, particularly in rural areas. Council discussion ensued with Dr. Wadley as various topics were brought forward. Dr. Wadley will continue to update the Council on a regular or as-needed basis.

- IX. Eligible for Vote:

AN ADMINISTRATIVE RESOLUTION TO STAY ENFORCEMENT OF TALBOT COUNTY CODE SECTION 190-33.20 (A) FOR CERTAIN SHORT-TERM RENTAL PROPERTIES was read into the

record by the Clerk and brought forward for vote. Prior to the vote, Mr. Pack stated that the purpose of the administrative resolution is to provide mitigation for those few short-term rental property owners who were license holders in 2018, had no outstanding violations from the previous year, but had some issues to address before receiving a rental license in 2019. Council discussion ensued with Miguel Salinas, Assistant Planning Officer, and Mike Duell, Chief Code Compliance Officer. Mr. Divilio offered an amendment to the administrative resolution, replacing the reference to March 1, 2019 with September 1, 2019 in order to include the most recent applications which had been submitted. Council discussion again ensued and the motion was seconded by Mr. Callahan. The Council approved the amendment by voting 3 – 2 as follows:

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

The Council approved the Administration Resolution, as amended, by voting 4 – 1 as follows:

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

- X. Council Discussion of Chesapeake Bay Bridge Transit Study – Prior to Council discussion, Mr. Pack stated that the previous Council had forwarded a letter to the Maryland Secretary of Transportation noting the County’s objection to the State’s consideration of Talbot County as the location for a possible third bridge crossing of the Bay. Ray Clarke, County Engineer, and Mike Mertaugh, Assistant County Engineer, briefed the Council on the four (4) options currently under consideration under Tier 1 of the National Environmental Policy Act (NEPA) process: from Anne Arundel County through Talbot County via Maryland Rt. 33 to U.S. Rt. 50; at the location of the existing bridges; Anne Arundel County via Rt. 100 to Kent County; and a no-build option. He stated that the State will be holding an Open House on Thursday, October 3, 2019 from 6:00 p.m. to 8:00 p.m. at the Talbot County Community Center. Mr. Clarke stated that, in his opinion, Talbot County may want to focus its comments at the meeting on concerns related to both direct and indirect environmental impacts to the county and its incompatibility with existing land use patterns. Council discussion ensued. Ms. Price requested that Council hold off forwarding another letter of objection to the State until after the State’s October 3rd public meeting on the matter, the State’s presentation of its Consolidated Transportation Plan to the Council on October 15th, and receipt of environmental impact data from Mr. Clarke; there was no objection. The matter was tabled until after October 3, 2019.
- XI. Council Consideration of Traffic Advisory Committee Recommendations of Citizen Request for Speed Limit Reduction on Tilghman Island; Citizen Request for Traffic Calming Devices (Rumble Strips) on Long Point Road; and Staff Request for Large Truck Through Traffic Restriction on Black Dog Alley, Kingston Road and Mullet Branch Road – Mike Mertaugh, Assistant County Engineer briefed the Council on the following requests:
1. Tilghman Island – Speed Limit Reduction – Citizen request to reduce the speed limit for the entire Island to 25 m.p.h. Mr. Mertaugh stated that the speed limit for all areas of the Island is currently 25 m.p.h., except for the 1.2 mile portion of Black Walnut Point Road from Leeward Lane to Fairbank Road which is not posted and therefore by default the speed limit is 50 m.p.h.

He stated that the Traffic Advisory Committee recommends a reduction in the speed limit on the 1.2 mile portion of Black Walnut Road from Leeward Lane to Fairbank Road to 35 m.p.h. Upon motion by Ms. Price, seconded by Mr. Leshner, the Council approved the recommendation by voting 5 – 0 as follows:

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

2. Long Point Road – Traffic Calming Devices (rumble strips) – Citizen request for installation of rumble strips on a half mile portion of Long Point Road in the Village of Neavitt. Mr. Mertaugh stated that the speed limit is 25 m.p.h. on the subject roadway which is narrow, curved, abuts the Village of Neavitt, and is used as ingress and egress for approximately 30 properties and those utilizing Neavitt Landing where the road terminates; the road is also popular with walkers and cyclists. He stated that the Traffic Advisory Committee is recommending that rumble strips be installed at both ends of the half mile corridor as a reminder to travel more slowly when entering the Village and leaving the landing. Upon motion by Mr. Leshner, seconded by Mr. Divilio, the Council approved the recommendation by voting 5 – 0 as follows:

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

3. Black Dog Alley, Kingston Road and Mullet Branch Road – Large Truck Through Traffic Restrictions Request – Staff request to limit large truck through traffic on Black Dog Alley, Kingston Road and Mullet Branch Road in order to minimize ongoing and future road damage. Mr. Mertaugh stated that the subject roadways are increasingly used as a shortcut by large truck traffic, particularly waste haulers, between points south of Easton and the landfill in Ridgely. He stated that the roadways have minimal pavement structure and limited shoulder area and were not engineered to accommodate large truck traffic. Council discussion ensued with Mr. Mertaugh and Warren Edwards, Roads Superintendent. Mr. Mertaugh stated that the Traffic Advisory Committee is recommending the establishment of weight restrictions on Black Dog Alley, Kingston Road and Mullet Branch Road for vehicles exceeding 17,000 pounds Gross Vehicle Weight Rating (GVWR)/Gross Combined Weight Rating (GCWR). He noted that Council would need to approve legislation in the form of a numbered resolution in order to establish the recommended restrictions. Mr. Divilio requested that staff provide information on similar restrictions, along with any exclusions, previously instituted on Dover Neck Road prior to drafting of a numbered resolution for Black Dog Alley, etc. Upon motion by Mr. Leshner, seconded by Ms. Price, the Council approved moving forward with having staff draft a numbered resolution establishing weight restrictions on the roadways as outlined by Mr. Mertaugh by voting 4 – 1 as follows:

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

XII. County Manager’s Report:

A. Discussion of Application for State Discharge Permit 19DP3460 (Trappe East Wastewater Treatment Plant) to Maryland Department of the Environment – County Engineer Ray Clarke stated that the County had recently been notified by the Maryland Department of the Environment (MDE) that it had made a tentative determination on a State Discharge Permit for the Trappe East Wastewater Treatment Plant. He stated that the tentative determination allows the governing body to request a public hearing for the purpose of gathering more information in order to better understand the factors on which the approval was based. Mr. Clarke stated that it is the Talbot County Public Works Advisory Board’s recommendation that the County request MDE hold a public hearing on the matter as the County’s Comprehensive Water and Sewer Plan does not show the referenced property in an area which has been designated to move ahead as quickly as outlined by MDE; to determine the process for review of the request for a State Discharge Permit; to determine how MDE reviews the consistency of the proposed wastewater treatment plant with the County’s Comprehensive Water and Sewer Plan, and to determine the schedule for the proposed project. The deadline to request a public hearing is September 19, 2019 and the deadline for receipt of written comments to MDE is September 30, 2019. Mr. Clarke also briefed the Council on his recent conversations with Dr. Ching-Tzone Tien, P.E., Deputy Program Manager, Water and Science Administration, MDE regarding the parameters of the State Discharge Permit for the Trappe East Wastewater Treatment Plant. Council discussion ensued with Mr. Clarke. Upon motion by Mr. Leshner, seconded by Mr. Callahan, the Council approved requesting that MDE hold a public hearing on the matter by voting 5 – 0 as follows:

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

B. Request from University of Maryland Shore Regional Health for a Letter of Support for a Certificate of Need Exemption Application for the Relocation of Inpatient Behavioral Health Beds and Services to University of Maryland Medical Center in Chestertown – Requested Council’s consideration to forward a letter in support of University of Maryland Shore Regional Health’s application for a Certificate of Need (CON) exemption to relocate inpatient behavioral health beds and services from Cambridge to the University of Maryland Medical Center in Chestertown; Council discussion ensued. Upon motion by Ms. Price, seconded by Mr. Leshner, the Council approved forwarding a letter of support for the application by voting 5 – 0 as follows:

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

- C. Talbot County Local Emergency Planning Committee – Requested Council approval to forward the names of Michael Bibb (Town of St. Michaels), Judy Bottorf (citizen), and Larry Smith (citizen) to the Governor for consideration for reappointment to three-year terms on the the Talbot County Local Emergency Planning Committee; if the reappointments are approved, said terms will expire August 1, 2022. Upon motion by Mr. Callahan, seconded by Mr. Divilio, the Council approved forwarding the names to the Governor for consideration for reappointment by voting 5 – 0 as follows:
- Mr. Pack – Aye
 - Mr. Divilio - Aye
 - Mr. Callahan – Aye
 - Ms. Price – Aye
 - Mr. Leshner – Aye
- D. September 11th Commemorative Ceremony – Mr. Hollis stated that the County Council and the Town of Easton will be hosting a ceremony commemorating the tragic events of September 11, 2001, tomorrow morning, September 11, 2019, at 8:30 a.m. The ceremony will take place at the corner of West and Dover Streets, across from the Talbot County Free Library. Everyone is invited to attend.
- E. Talbot County Economic Development Commission and Easton Economic Development Commission Resource Fair – Mr. Hollis stated that the Talbot County Economic Development Commission and Easton Economic Development Commission will be hosting a resource fair on Wednesday, September 18, 2019 from 8:00 a.m. to 11:30 a.m. at the Eastern Shore Land Conservancy Conservation Center in Easton. He stated that the purpose of the resource fair is to provide information to the public on various incentives to encourage new businesses to locate in Easton and Talbot County.

XIII. Council Comments:

- Mr. Leshner – No comments.
- Ms. Price – No comments.
- Mr. Divilio - No comments.
- Mr. Callahan - No comments.
- Mr. Pack - Mr. Pack stated that he hoped to see everyone at the September 11th ceremony. He stated that the Council welcomes the comments of those who provided same earlier in the meeting and reminded everyone that “public comments” will now be included on the agenda moving forward; comments will be held at the end of the meeting.

- XIV. Upon motion by Mr. Callahan, seconded by Ms. Price, the Council voted to adjourn and to reconvene on Tuesday, September 24, 2019 at 3:00 p.m. in the Meeting Room of the Talbot County Free Library for presentation of the Years of Service Awards to County employees and at 4:30 p.m. in Open Session and immediately adjourn into Closed Session for discussion of legal, personnel and real estate matters as listed on the statement for closing the meeting; and for the regularly scheduled meeting at 6:00 p.m. by voting 5 – 0 as follows:

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

The meeting recessed at 8:53 p.m.

The transcript of the September 10, 2019 County Council meeting is available for review in the Office of the Talbot County Manager during regular office hours.

XV. Summary of Closed Session Held on September 10, 2019:

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

Time of closed session: 4:30 p.m. to 6:00 p.m.
 Place of closed session: County Council Conference Room
 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: Pack, Callahan, Price, Divilio, Leshner
 Members opposed: None
 Abstaining: 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	Persons present	Action taken
Discuss appointments to various boards and commissions	GP § 3-305(b)(1)	All 5 Council Members, Andy Hollis, Jessica Morris, Mary O'Donnell, Susan Moran	None
Discuss a personnel matter in the State's Attorney's Office	GP § 3-305(b)(1)	Same as above	Consensus for SAO to fill open position
Discuss possible acquisition of real property in Easton for a public purpose, namely parks and recreation	GP § 3-305(b)(3)	Same as above, plus Preston Peper	None
Receive legal advice on Easton Point house move contract and potential litigation	GP §§ 3-305(b)(7) and (8)	Same as above, plus Preston Peper	Direction to authorize house mover to remove certain pilings to facilitate transition of house onto barge

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Receive legal advice and discuss Clayland Farms lawsuit	GP §§ 3-305(b)(7) and (8)	Same as above	None

CASH STATEMENT 9/03/2019

BALANCE 8/27/2019	26,446,934.58
CIGNA CLAIMS THRU 8/26/2019	(112,426.76)
ELECTION BOARD PPE 7/30/2019	(7,771.45)
POSTAGE WIRE	(3,000.00)
WELLS FARGO LEASE PAYMENT	(128.00)
DEPOSITS	1,473,728.11
CHECKS	(770,540.30)
VOIDED CHECK(S) # 334951, 335598	1,113.05
BALANCE 9/03/2019	<u>27,027,909.23</u>

INVESTMENTS - CERTIFICATES OF DEPOSIT

<u>Certificate Date</u>	<u>Maturity Date</u>	<u>Yield</u>	<u>Amount</u>
PNC-MLGIP INVESTMENTS TOTAL		2.15%	20,500,000.00
1880 BANK			10,090,764.96
TOTAL INVESTED			<u>30,590,764.96</u>
PETTY CASH BALANCE			<u>15,570.00</u>
<u>GRAND TOTAL ALL FUNDS</u>			<u>57,634,244.19</u>

CASH STATEMENT 9/10/2019

BALANCE 9/03/2019	27,027,909.23
TOTAL ADP PAYROLL PPE 8/23/2019	(622,272.52)
TOTAL ADP PAYROLL PPE 8/31/2019	(15,830.13)
DEFERRED COMP DED PPE 8/23/2019 & 8/31/2019	(19,566.87)
PENSION DED PPE 8/23/2019 & 8/31/2019	(38,804.04)

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SECU DED PPE 8/23/2019 & 8/31/2019	(3,512.86)
DEFERRED COMP PPE 8/23/2019 PLAN 401(A)	(6,915.03)
CIGNA CLAIMS THRU 9/03/2019	(122,084.81)
SEPTEMBER 2019 RETIREE HEALTH INS PLAN #727	(31,890.36)
BOARD OF EDUCATION 8/2019	(3,504,644.00)
USDA/RD MONTHLY BOND PAYMENT #97-08	(1,304.00)

RETURNED CHECK(S) #3346, 168	(1,484.64)
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DEPOSITS	1,560,575.98
CHECKS	(407,145.30)

BALANCE 9/10/2019	23,813,030.65
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INVESTMENTS - CERTIFICATES OF DEPOSIT

<u>Certificate Date</u>	<u>Maturity Date</u>	<u>Yield</u>	<u>Amount</u>
PNC-MLGIP INVESTMENTS TOTAL		2.14%	20,500,000.00
1880 BANK			10,090,764.96
TOTAL INVESTED			30,590,764.96
PETTY CASH			15,570.00
BALANCE			
<u>GRAND TOTAL ALL FUNDS</u>			54,419,365.61